

# BUCHANAN AND BRECKINRIDGE.

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THE

## DEMOCRATIC HAND-BOOK,

COMPILED BY

MICH. W. CLUSKEY,

*Don't think front  
Edgar*

*Democratic Party. Nat. committee*  
1852 - 1856 OF

WASHINGTON CITY, D. C.

RECOMMENDED BY THE

DEMOCRATIC NATIONAL COMMITTEE.

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The success of the Democracy essential for the preservation of the Union and the protection of the integrity of the Constitution.

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## PREFACE

TO THE

# DEMOCRATIC ELECTORAL HAND-BOOK.

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The demand for authentic documents disproving the unprecedented charges against the Democratic candidate, and refuting the unblushing pretensions of the Black Republican Know-Nothing nominees for the Presidency, has rendered it important in the opinion of leading members of the Democratic party, that some compilation of argument and fact derived from indisputable authorities should be prepared and published.

In the execution of this work, selections have been made from the works of the Democratic leaders—Leaders who represent the uniform and united opinions of the Democracy, North and South, whilst the motives of those patriotic citizens who have forgotten the prejudices of party, to bestow their support upon the only National candidate, are illustrated in the speeches and letters of the old line Whigs, vindicating their course of action in that respect.

The Electoral Hand Book, will be found to contain, also, the most important enactments and reports bearing upon the great issues of the day, with a mass of other matter sufficient to furnish any enquirer with the means of making up an impartial opinion upon the questions involved in the canvass, and to furnish speakers and writers with the material for defence or assault.

The author can only add, that having access to the whole magazine of political missiles, proper for employment in the present campaign, and enabled by his position and pursuits, to furnish any specific information from the published political records of the country, it will afford him pleasure to communicate any answer to any inquiry which may be made of him, and which is not satisfactorily responded to in the "Hand-Book."

Appealing to the magnanimity of his fellow-democrats to attribute any omission, to the hurried manner in which he is necessitated to prepare his work, he submits it for their judgment and use.

## THE MISSOURI COMPROMISE.

The excitement created by the repeal of a geographical line, the existence of which Mr. Jefferson said "would be recurring on every occasion, and renewing irritations, until it would enkindle such mutual and moral hatred as would render separation preferable to eternal discord," has induced us to republish the unfortunate act of Congress which first gave existence to what was called the Missouri Compromise line.

Missouri having applied for admission into the Union as a State, the House of Representatives, on the 16th of February, 1819, passed a bill providing for her admission, and affixing as a condition thereof, the prohibition of slavery within her limits. On the 27th of February, 1819, the Senate struck out of the bill the clause prohibiting slavery, and thus amended, sent it back to the House. On the 2d of March, 1819, the House refused to concur in the amendment of the Senate. On the same day the Senate insisted upon its amendment, and the House adhered, so that bill was lost.

On the 6th of January, 1820, the Committee on the Judiciary of the Senate reported a bill from the House admitting Maine into the Union, which contained no prohibition whatever, with an amendment admitting Missouri without any clause concerning slavery. It was then that Mr. Thomas introduced as an amendment what is called the Missouri Compromise which was adopted, and the bill as amended, passed the Senate on the 18th of February, 1820. The bill came to the House. After numerous messages between the two Houses, informing each other of their disagreements, and after motions had passed both Houses to insist on their respective positions, a joint committee of conference was appointed. Whilst this committee was in session, an independent bill to admit Missouri was taken up in the House and passed, containing a clause prohibiting slavery in said State, which was sent to the Senate, amended by it, and returned. Upon its return, the managers of the conference reported, that the Senate recede from its amendment to the bill admitting Maine, and that the House bill, admitting Missouri, should be amended by striking out the clause prohibiting slavery, and inserting in lieu thereof, what is now known as the Missouri Compromise. The bill thus framed, was, after one disagreement on the part of the two Houses, passed, and is as follows:

An ACT to authorize the People of the Missouri Territory to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit Slavery in certain Territories.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the inhabitants of that portion of the Missouri Territory included within the boundaries hereinafter designated, be, and they are hereby authorized to form for themselves a Constitution and State Government; and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union, upon an equal footing with the original States, in all respects whatsoever.

The 3d, 4th, 5th, 6th, and 7th sections of the law, embrace mere matters of detail, having no connection with the great question which is now agitating the country. The 8th section, which is what is generally known as the Missouri Compromise, is as follows:

SEC. 8. *And be it further enacted,* That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and

thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby forever prohibited; *Doctd always.* That any person excepting into the same, from whom labor or service is lawfully claimed, in any state or territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. [Approved 6 March, 1820.]

The action of Congress after the passage of the foregoing act rejects the idea that it was a compact, or that the Missouri Compromise embraced in the 8th section thereof was at all a condition to the subsequent admission of Missouri. After the enactment of that law, Missouri applied for admission as a state, and her application was rejected. Congress disregarded the act establishing the geographical line and shut the door on Missouri. The following act was afterwards passed and she was admitted:

#### RESOLUTIONS.

[No. 1.] RESOLUTION providing for the Admission of the State of Missouri into the Union, on a certain Condition.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Missouri shall be admitted into this Union on an equal footing with the original States, in all respects whatever, upon the fundamental condition, that the fourth clause of the 26th section of the third article of the constitution submitted on the part of said state to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen, of either of the states in this Union, shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the constitution of the United States: *Provided,* That the legislature of the said state, by a solemn public act, shall declare the assent of the said state to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act; upon the receipt whereof, the President, by proclamation, shall announce the fact; whereupon, and without any further proceedings on the part of Congress, the admission of the said state into this Union shall be considered as complete. [Approved. 2 March, 1821.]

From this it will be seen that the only condition under which Missouri was admitted, is contained in the proviso of the last act, which Missouri in her acceptance of the terms of admission denied the right of the United States to make whilst she nevertheless yielded and became a part of the Union. The effect of this condition was to force Missouri to agree to admit within her limits to the same privileges which white citizens of other states might have, the negro where he is recognised as a citizen by any state.

Mr. Jefferson's opinion of the enactment of a geographical line in the country referring to that instated by the Missouri act of 1820.

THOMAS JEFFERSON to WM. SHORT.

MONTICELLO, April 13, 1820.

DEAR SIR: \* \* \* \* Although I had laid down as a law to myself, not to write, talk, or even think of politics, to know nothing of public affairs, and therefore had ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. The old schism of Federal and Republican, threatened nothing, because it extended in every State, and united them together by the fraternalization of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would enkindle such mutual and moral hatred as would render separation preferable to eternal discord. I have been the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequences of this question, not by the line which has been so confidently counted on—the laws of nature control this—but by the Potomac, Ohio and Missouri, or more probably the Mississippi,

upwards to our northern boundary. My only comfort and confidence is that I shall not live to see this; and I envy not the present generation the glory of throwing away the fruits of their father's sacrifices of life and fortune and of rendering desperate the experiment which was to decide ultimately, whether man is capable of self-government. This treason against human hope will signalize their epoch in future history as the counterpart of their predecessors.

THOMAS JEFFERSON to JOHN HOLMES.

MONTICELLO, April 20, 1820.

I thank you, dear sir, for the copy you have been so kind as to send me of the letter to your constituents, on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not far distant. But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the *Knell* of the Union. It is hushed indeed for the moment, but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. An abstinence, too, from this act of power, would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This certainly is the exclusive right of every State, which nothing in the Constitution has taken from them and given to the General Government. Could Congress, for instance, say that the non-freemen of Connecticut should be freemen, or that they shall not emigrate into any other State.

## EXTENSION OF THE MISSOURI LINE TO THE PACIFIC.

On the 10th of August 1848, in the Senate of the United States, the Oregon bill being under consideration, the question was taken on the amendment extending the Missouri Compromise line to the Pacific, and it was decided in the affirmative as follows:

YEAS—Messrs. Atchison, Badger, Bell, Benton, Berrien, Borland, Bright, Butler, Calhoun, Cameron, Davis of Miss., Dickinson, Douglas, Downs, Fitzgerald, Foote, Hannegan, Houston, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson of Georgia, King, Lewis, Mangum, Mason, Metcalf, Pearce, Sebastian, Spruance, Sturgeon, Turnoy, and Underwood—33.

NAYS—Messrs. Allen, Atherton, Baldwin, Bradbury, Breese, Clarke, Corwin, Davis of Mass., Dayton, Dix, Dodge, Felch, Greene, Hale, Hamlin, Miller, Niles, Phelps, Upham, Walker, Webster and Wescott—22.

“The Bill with this amendment came before the House on the next day, and the amendment of the Senate extending the Missouri line to the Pacific was non-concurred in by the following vote:

YEAS—Messrs. Adams, Atkinson, Barringer, Barrow, Bayly, Beale, Bedinger, Birdsall, Boccock, Botts, Bowdon, Bowlin, Boyd, Boydon, Brodhead, Chas. Brown, A. G. Brown, Buckner, Burt, Cabell, Chapman, Chase, Beverly L. Clarke, Clingman, Howell Cobb, Williamson R. W. Cobb, Cooke, Crozier, Daniel, Donnell, Garnett Duncan, Alexander Evans, Featherston, Flournoy, French, Fulton, Gayle, Goggin, Greene, Willard P. Hall, Haralson, Harmanson, Harris, Haskell, Hill, Hilliard, Isaac E. Holmes, Geo. S. Houston, Chas. J. Ingersoll, Iverson, Andrew Johnson, Robert W. Johnson, Geo. W. Jones, John W. Jones, Kaufman, Thomas Butler King, Ligon, Lumpkin, McDowell, McKay, McLane, Meade, Morehead, Outlaw, Pendleton, Phelps, Pillsbury, Preston, Rhett, Roman, Sheppard, Stanton, Stephens, Thomas, Jacob Thompson, J. B. Thompson, Robert A. Thompson, Tompkins, Toombs, Venable, Wallace and Woodward—82.

NAYS—Messrs. Abbott, Ashmun, Bingham, Blanchard, Brady, Butler, Canby, Cathcart, F. Clark, Collamer, Collins, Conger, Cranston, Cr. well, Cummins, Darling, Dickey, Dickinson, Dixon, Duer, Daniel Duncan, Dunn, Ecker, Edsall, Edwards, Embree, Nathan Evans, Faran, Farelly, Ficklin, Fisher, Fredly, Fra. J., Goit, Gregory, Grinnell, Hale, Nathan K. Hall, Hammons, Jas. G. Hampton, Moses Hampton, Henly, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Kennen, D. P. King, W. T. Lawrence, Sydney Lawrence, Lincoln, Lord, Lynde, Ma-

*clay, McClelland, McClelland, McIlvaine, Job Mann, Horace Mann, Marsh, Marvin, Miller, Morris, Mullen, Murphy, Nelson, Nes, Newell, Nicoll, Paisley, Pease, Peck, Petrie, Pettitt, Pollock, Putnam, Reynolds, Richey, Robinson, Rockhill, Jno. A. Rockwell, Rose, Root, Rumsey, St. John, Sawyer, Schenck, Sherrill, Sylvester, Slingerland, Smart, Caleb B. Smith, Robert Smith, Truman Smith, Starkweather, Andrew Stewart, Chas. E. Stuart, Strohm, Strong, Tallmadge, Taylor, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Van Dyke, Vinton Warren, Wentworth, White, Wick, Williams and Winnet.*—121.

The House having thus non-concurred with the Senate, the question was decided in the Senate, on the 12th of August, 1848, in favor of receding from its amendment, running the Missouri line to the Pacific, by yeas and nays, as follows:

YEAS.—*Messrs. Allen, Baldwin, Benton, Bradbury, Breeze, Bright, Cameron, Clarke, Corwin, Davis, of Mass., Dayton, Dickinson, Dix, Dodge, Douglass, Felch, Fitzgerald, Greene, Hale, Hamlin, Hannegan, Houston, Miller, Miles, Phelps, Spruance, Upham, Walker and Webster*—29.

NAYS.—*Messrs. Atchison, Badger, Bell, Berrien, Borland, Butler, Calhoun, Davis of Miss., Downs, Foote, Hunter, Johnson of Maryland, Johnson of Louisiana, Johnson, of Georgia, Lewis, Mangum, Mason, Metcalfe, Pearce, Rusk, Sebastian, Turney, Underwood, Westcott and Yulee*—25.

So the Senate receded, and the Compromise line was not extended.

By analyzing this vote it will be seen that upon its being first proposed in the Senate to extend the Missouri line to the Pacific, the entire North in that body with seven exceptions voted against it, whilst the entire South with one exception voted for it.

In the House the entire North with four exceptions voted against it, whilst the entire South with one exception voted for it.

Upon receding in the Senate the entire North voted to recede whilst the entire South with two exceptions voted against it.

NOTE—Those in Italics are from the North. Those not in Italics are from the South.

## LEGISLATION OF 1850, SUPERSEDING THE MISSOURI COMPROMISE.

We do not deem it necessary to burden this book with a publication of the whole of the Territorial laws of the memorable year 1850. The extracts bearing directly on the subject are all that is necessary.

The Act approved September 9, 1850, for the organization of the Territory of New Mexico, being a part of the act fixing the boundaries of Texas, contains the following proviso in its second section.

*"Provided further, That when admitted as a State, the said Territory or any portion of the same shall be received into the Union, with or without slavery as their constitution may prescribe at the time of their admission."*

The Act approved the same day for the organization of the Territory of Utah, contains an identical provision with that cited from the New Mexico Act.

A portion of New Mexico lies north of 36.30. The whole of Utah lies north of that line.

## THE WHIG AND DEMOCRATIC PLATFORMS OF 1852 ENDORSE THE LEGISLATION OF 1850, SUPERSEDING THE MISSOURI COMPROMISE.

We here subjoin the Whig platform of 1852. It will be seen that it fully endorsed the legislation of 1850, and afforded the South ample guarantees for the protection of its institutions.

### NATIONAL WHIG PLATFORM OF 1852.

The Whigs of the United States, in convention assembled, firmly adhering to the great conservative republican principles by which they are controlled and governed, and now, as ever, relying upon the intelligence of the American people, with an abiding confidence in their capacity for self-government, and their continued devotion to the Constitution and the Union, do proclaim the following as the political sentiments and determinations, for the establishment and maintenance of which their national organization as a party is effected.

1. The Government of the United States is of a limited character, and it is confined to the exercise of powers expressly granted by the Constitution, and such as may be necessary and proper for carrying the granted powers into full execution, and that all powers not thus granted or necessarily implied are expressly reserved to the States respectively and to the people.

The State Governments should be held secure in their reserved rights, and the General Government sustained in its constitutional powers, and the Union should be revered and watched over as "the palladium of our liberties."

3. That while struggling freedom, everywhere, enlists the warmest sympathy of the Whig party, we still adhere to the doctrines of the Father of his Country, as announced in his Farewell Address, of keeping ourselves free from all entangling alliances with foreign countries, and of never quitting our own to stand upon foreign ground. That our mission as a Republic is not to propagate our opinions, or impose on other countries our form of government, by artifice or force, but to teach by example, and show by our success, moderation, and justice, the blessings of self-government, and the advantages of free institutions.

4. That where the people make and control the Government, they should obey its Constitution, laws, and treaties, as they would retain their self-respect, and the respect which they claim, and will enforce, from foreign powers.


5. Government should be conducted upon principles of the strictest economy, and revenue sufficient for the expenses thereof, in time of peace, ought to be mainly derived from a duty on imports, and not from direct taxes; and in levying such duties, sound policy requires a just discrimination and protection from fraud by specific duties, when practicable, whereby suitable encouragement may be assured to American industry, equally to all classes and to all portions of the country.

6. The Constitution vests in Congress the power to open and repair harbors, and remove obstructions from navigable rivers; and it is expedient that Congress shall exercise that power whenever such improvements are necessary for the common defence or for the protection and facility of commerce with foreign nations or among the States; such improvements being, in every instance, national and general in their character.

7. The Federal and State Governments are parts of one system, alike necessary for the common prosperity, peace, and security, and ought to be regarded alike with a cordial, habitual, and immovable attachment. Respect for the authority of each, and acquiescence in the constitutional measures of each, are duties required by the plainest consideration of national, of State, and individual welfare.

8. The series of acts of the 31st Congress, commonly known as the Compromise or Adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in by the Whigs of the United States as a final settlement, in principle and substance, of the subjects to which they relate, and so far as these acts are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other, not impairing their present efficiency to carry out the requirements of the Constitution, and we deprecate all further agitation of the question thus settled, as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation, whenever, wherever,

or however made; and we will maintain this settlement as essential to the nationality of the Whig party and the integrity of the Union.

The Democratic platform of 1856 embraces the whole of the platform of the same party in 1852, with the exception of the two following sections.  See platform of 1856 in proceedings of National Convention, contained in this volume.

IX. "Resolved, That the war with Mexico, upon all the principles of patriotism and the laws of nation, was a just and necessary war on our part, in which every American citizen should have shown himself on the side of his country, and neither more nor physically, by word or deed, have given aid and comfort to the enemy."

X. "Resolved, That we rejoice at the restoration of friendly relations with our sister republic of Mexico, and earnestly desire for her all the blessings and prosperity which we enjoy under republican institutions; and we congratulate the American people upon the results of that war, which have so manifestly justified the policy and conduct of the Democratic party, and insured to the United States indemnity for the past and security for the future."

Upon these platforms the two parties went into that contest—their candidates standing unequivocally upon their distinctive features. The candidate of no other party carried a single State. Every State in the Union endorsed one or the other of those platforms. Both platforms endorsed the Legislation of 1850. Therefore, every State endorsed the legislation of 1850.

### THE NEBRASKA AND KANSAS ACT OF 1854.

This act contains the following section, repealing in direct terms the 8th section of the Act approved March 6th, 1820, commonly known as the Missouri Compromise.

"Sec. 14. \* \* \* \* \* That the Constitution and all the laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Nebraska (or Kansas, the language being the same in reference to both,) as elsewhere within the United States, except the 8th section of the act, preparatory to the admission of Missouri into the Union, approved March sixth, eighteen hundred and twenty, which, being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognised by the legislation of eighteen hundred and fifty, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting, or abolishing slavery."

This act passed the House by a vote of 113 to 100—44 northern men, all Democrats, and 69 southern men voted for it in the House.—91 northern men and 9 southern men voted against it.

The final vote on its passage in the Senate, was 35 to 13.

In that body, 11 Southern men and 14 Northern men—the latter all Democrats, voted for it.—11 Northern men and 2 Southern men voted against it.

### READ THE PLATFORMS OF THE OPPONENTS OF THE DEMOCRACY.

#### KNOW-NOTHING PLATFORM OF 1855.

1. The acknowledgment of that Almighty Being who rules over the Universe—who presides over the Councils of Nations—who conducts the affairs of men, and who, in

every step by which we have advanced to the character of an independent nation, has distinguished us by some token of Providential agency.

2. The cultivation and development of a sentiment of profoundly intense American feeling; of passionate attachment to our country, its history and its institutions; of admiration for the purer days of our National existence; of veneration for the heroism that precipitated our Revolution, and of emulation of the virtue, wisdom and patriotism that framed our Constitution, and first successfully applied its provisions.

3. The maintenance of the union of these United States, as the paramount political good; or, to use the language of Washington, "the primary object of patriotic desire."

And hence—

First. Opposition to all attempts to weaken or subvert it.

Second. Uncompromising antagonism to every principle of policy that endangers it.

Third. The advocacy of an equitable adjustment of all political differences which threaten its integrity or perpetuity.

Fourth. The suppression of all tendencies to political division, founded on "geographical discriminations, or on the belief that there is a real difference of interests and views" between the various sections of the Union.

Fifth. The full recognition of the rights of the several States, as expressed and reserved in the Constitution; and a careful avoidance, by the General Government, of all interference with their rights by legislative or executive action.

4. Obedience to the Constitution of these United States as the supreme law of the land, sacredly obligatory upon all its parts and members; and steadfast resistance to the spirit of innovation upon its principles, however specious the pretexts. Avowing that in all doubtful or disputed points it may only be legally ascertained and expounded by the Judicial power of the United States.

First. A habit of reverential obedience to the laws, whether National, State, or Municipal, until they are repealed or declared unconstitutional by the proper authority.

Second. A tender and sacred regard for those acts of statesmanship, which are to be contra-distinguished from acts of ordinary legislation, by the fact of their being of the nature of compacts and agreements; and so, to be considered a fixed and settled national policy.

5. A radical revision and modification of the laws regulating immigration, and the settlement of immigrants—offering the honest immigrant, who, from love of liberty or hatred of oppression, seeks an asylum in the United States, a friendly reception and protection, but unqualifiedly condemning the transmission to our shores of felons and paupers.

6. The essential modification of the Naturalization Laws.

The repeal by the Legislatures of the respective States, of all State laws allowing foreigners not naturalized to vote. The repeal, without retrospective operation, of all acts of Congress making grants of land to unnaturalized foreigners, and allowing them to vote in the Territories.

7. Hostility to the corrupt means by which the leaders of party have hitherto forced upon us our rulers and our political creeds.

Implacable enmity against the present demoralizing system of rewards for political subserviency, and of punishments for political independence.

Disgust for the wild hunt after office which characterizes the age.

These on the one hand. On the other—

Imitation of the practice of the purer days of the Republic; and admiration of the maxim that "office should seek the man, and not man the office," and of the rule that the just mode of ascertaining fitness for office is the capability, the faithfulness, and the honesty of the incumbent candidate.

8. Resistance to the aggressive policy and corrupting tendencies of the Roman Catholic Church in our country by the advancement to all political stations—executive, legislative, judicial, or diplomatic—of those only who do not hold civil allegiance, directly or indirectly, to any foreign power, whether civil or ecclesiastical, and who are Americans by birth, education, and training—thus fulfilling the maxim, "AMERICANS ONLY SHALL GOVERN AMERICA."

The protection of all citizens in the legal and proper exercise of their civil and religious rights and privileges; the maintenance of the right of every man to the full, unrestrained, and peaceful enjoyment of his own religious opinions and worship, and a jealous resistance of all attempts by any sect, denomination, or church, to obtain an ascendancy over any other in the State, by means of any special privilege or exemption, by any political combination of its members, or by a division of their civil allegiance with any foreign power, potentate, or ecclesiastic.

9. The reformation of the character of our National Legislature, by elevating to that

dignified and responsible position men of higher qualifications, purer morals, and more unselfish patriotism.

10. The restriction of executive patronage—especially in the matter of appointments to office—so far as it may be permitted by the Constitution, and consistent with the public good.

11. The education of the youth of our country in schools provided by the State; which schools shall be common to all, without distinction of creed or party, and free from any influence or direction of a denominational or partisan character.

And, inasmuch as Christianity, by the Constitutions of nearly all the States: by the decisions of the most eminent judicial authorities, and by the consent of the people of America, is considered an element of our political system, and as the Holy Bible is at once the source of Christianity, and the depository and fountain of all civil and republican freedom, we oppose every attempt to exclude it from the schools thus established in the States.

12. The American party, having arisen upon the ruins, and in spite of the opposition of the Whig and Democratic parties, cannot be held in any manner responsible for the obnoxious acts or violated pledges of either. And the systematic agitation of the Slavery question by those parties having elevated sectional hostility into a positive element of political power, and brought our institutions into peril, it has, therefore, become the imperative duty of the American party to interpose, for the purpose of giving peace to the country and perpetuity to the Union. And as experience has shown it impossible to reconcile opinions so extreme as those which separate the disputants, and as there can be no dishonor in submitting to the laws, the National Council has deemed it the best guarantee of common justice and of future peace, to abide by and maintain the existing laws upon the subject of Slavery, as a final and conclusive settlement of that subject, in fact and in substance:

And regarding it the highest duty to avow their opinions upon a subject so important in distinct and unequivocal terms, it is hereby declared as the sense of this National Council, that Congress possesses no power, under the Constitution, to legislate upon the subject of Slavery in the States, where it does or may exist, or to exclude any State from admission into the Union because its Constitution does or does not recognize the institution of Slavery as a part of its social system: and expressly premitting any expression of opinion upon the power of Congress to establish or prohibit Slavery in any Territory, it is the sense of the National Council that Congress ought not to legislate upon the subject of Slavery within the Territory of the United States, and that any interference by Congress with Slavery as it exists in the District of Columbia, would be a violation of the spirit and intention of the compact by which the State of Maryland ceded the District to the United States, and a breach of the National faith.

13. The policy of the Government of the United States, in its relations with foreign governments, is to exact justice from the strongest, and do justice to the weakest; restraining, by all the power of the government, all its citizens from interference with the internal concerns of nations with whom we are at peace.

14. This National Council declares that all the principles of the Order shall be henceforth everywhere openly avowed; and that each member shall be at liberty to make known the existence of the Order, and the fact that he himself is a member; and it recommends that there be no concealment of the places of meeting of subordinate councils.

E. B. BARTLETT, of Kentucky, President of National Council.

C. D. DEBBER, of New Jersey, Corresponding Secretary.

JAMES M. STEPHENS, of Maryland, Recording Secretary.

#### PLATFORM OF THE AMERICAN PARTY, ADOPTED AT THE SESSION OF THE NATIONAL COUNCIL, FEBRUARY 21st, 1856,

1st. An humble acknowledgment to the Supreme Being, for His protecting care vouchsafed to our fathers in their successful Revolutionary struggle, and hitherto manifested to us, their descendants in the preservation of the liberties, the independence, and the union of these States.

2d. The perpetuation of the Federal Union, as the palladium of our civil and religious liberties, and the only sure bulwark of American Independence.

3d. *America must rule America*, and to this end, native-born citizens should be selected for all State, Federal, and municipal offices, or government employment, in preference to all others: nevertheless.

4th. Persons born of American parents residing temporarily abroad, should be entitled to all the rights of native-born citizens; but

5th. No person should be selected for political station, (whether of native or foreign birth,) who recognises any allegiance or obligation of any description to any foreign prince, potentate or power, or who refuses to recognize the Federal and State constitutions (each within its sphere) as paramount to all other laws as issues of political action.

6th. The unqualified recognition and maintenance of the reserved rights of the several States, and the cultivation of harmony and fraternal good will, between the citizens of the several States, and to this end, non-interference by Congress with questions appertaining solely to the individual States, and non-intervention by each State with the affairs of any other State.

7th. The recognition of the right of the native-born and naturalized citizens of the United States, permanently residing in any Territory thereof, to frame their constitution and laws, and to regulate their domestic and social affairs in their own mode, subject only to the provisions of the Federal Constitution. with the privilege of admission into the Union whenever they have the requisite population for one Representative in Congress. *Provided always*, that none but those who are citizens of the United States, under the constitution and laws thereof, and who have a fixed residence in any such Territory, ought to participate in the formation of the constitution, or in the enactment of laws for said Territory or States.

8th. An enforcement of the principle that no State or Territory ought to admit others than citizens of the United States to the right of suffrage, or of holding political office.

9th. A change in the laws of naturalization, making a continued residence of twenty-one years, of all not hereinbefore provided for, and indispensable requisite for citizenship hereafter, and excluding all paupers, and persons convicted of crime, from landing upon our shores; but no interference with the vested rights of foreigners.

10th. Opposition to any union between Church and State; no interference with religious faith, or worship, and no test oaths for office.

11th. Free and thorough investigation into any and all alleged abuses of public functionaries, and a strict economy in public expenditures.

12. The maintenance and enforcement of all laws constitutionally enacted, until said laws shall be repealed, or shall be declared null and void by competent judicial authority.

13. Opposition to the reckless and unwise policy of the present administration in the general management of our national affairs, and more especially as shown in removing "Americans" by designation and conservatives in principle, from office, and placing foreigners and ultraists in their places; as shown in a truckling subserviency to the stronger, and an insolent and cowardly bravado towards the weaker powers; as shown in re-opening sectional agitation, by the repeal of the Missouri Compromise; as shown in granting to unnaturalized foreigners the right of suffrage in Kansas and Nebraska; as shown in its vacillating course on the Kansas and Nebraska question; as shown in the corruptions which pervade some of the departments of the government; as shown in disgracing meritorious naval officers through prejudice or caprice; and as shown in the blundering mismanagement of our foreign relations.

14th. Therefore to remedy existing evils, and prevent the disastrous consequences otherwise resulting therefrom, we would build up the "American party" upon the principles hereinbefore stated.

15th That each State Council shall have authority to amend their several constitutions, so as to abolish the several degrees, and institute a pledge of honor, instead of other obligations for fellowship and admission into the party.

16th. A free and open discussion of all political principles embraced in our platform.

## REPUBLICAN PLATFORM.

(Adopted March 12, 1856.)

*Resolved*, That we regard the Republican movement and organization as having been forced upon the country by the unconstitutional and despotic measures and aggressions of the national administration, and the want of any other party occupying a position suitable for combining public sentiment, and rendering it effective for resisting such aggressions, for defending the rights of the people, and vindicating the principles of freedom.

*Resolved*, That the recent convention at Pittsburg, which first inaugurated the Republican movement as a national organization, was demanded by the circumstances of the

country; that its proceedings were patriotic and judicious, and meet our hearty approval, believing that they have already exerted a powerful influence in inspiring confidence and awakening exertions in the cause which the convention so ably represented.

*Resolved*, That this convention, representing a portion of the people of the State, and believing that a majority of our citizens approve our principles and sympathise in our objects, deem the present an auspicious occasion to inaugurate the Republican party in this State, with anticipations that it will form a new political era, productive of results highly beneficial to the interests and honor of the State, and in its relations to the Union, conducive to the peace, the welfare, and freedom of the country.

*Resolved*, That we regard it a leading object of the Republican movement to vindicate and defend the Constitution against the perversions, interpolations, excisions, and assaults of a sectional monopoly interest; to restore the government to its original opinions, and to insure its administration, not in the interests of slavery, but in the interests of freedom, and in the same spirit in which it was founded, and its powers exercised by the fathers of the republic.

*Resolved*, That the aggressive acts originating in sectional monopoly interests which have agitated and alarmed the country, having been consummated in disregard of the plainest provisions of the Constitution, admonish us of the necessity and wisdom of an adherence to those republican doctrines that prevailed in the early days of the republic, which regarded our political system, not as a national or centralized government, but as a compact between sovereign States, each containing all its sovereignty except so far as it had voluntarily surrendered a part of its powers to the confederacy, and which regarded the federal system as having originated from the States, and as possessing only special and limited powers which had been granted to it by the States, and that this grant was the extent and measure of its authority, which cannot be enlarged by construction or implication, or by the exercise of assumed or doubtful powers, without an invasion of the reserved rights and sovereignty of the States. And in accordance with these sound doctrines, there being no grant of power to the federal government in respect to slavery, it cannot uphold or defend it in the Territories, or anywhere else under the flag and authority of the Union, without the exercise of unconstitutional powers.

*Resolved*, That recent events and disclosures respecting the passage of the Kansas-Nebraska act, and the subsequent action of the administration on the subject, have stamped upon that measure a darker shade of corruption, fraud, injustice, despotism, and violation of public faith unparalleled in the records of modern legislation.

*Resolved*, That the conduct of the administration in relation to Kansas, both in what it has done and in what it has neglected to do, affords conclusive evidence that it has been its settled purpose to make Kansas a slave State, regardless of the wishes of the people, and in violation of the principles of "popular sovereignty," the establishment of which was alleged to be the object of the Kansas and Nebraska act.

*Resolved*, That as the federal government has exclusive jurisdiction over the Territories, it is the duty of the President to enforce the laws of Congress, and to protect the people of Kansas; and in the refusal of the President to do so, and in removing Gov. Reeder, who was upholding the authority of the law, the administration is justly responsible for the disorders, lawless acts, and crimes which have been perpetrated there, and all the calamities inflicted on the unoffending people of the Territory.

*Resolved*, That the recent proclamation of the President, and the instructions of the Secretary of War to the officer in command in Kansas, have placed the administration in the position of co-operating with the border ruffians to subjugate the people of Kansas, and to compel them, by military force, to submit to the usurpation and despotic laws which the Missourians have established over them. This illustrates his doctrine of popular sovereignty.

*Resolved*, That in view of the present distracted and alarming condition of the country, we see no safety, no way of deliverance, except in the success of the Republican movement; and that we earnestly appeal to the people to complete their organizations in every town in the States, and to sustain the Republican cause with an earnestness and zeal commensurate with its importance, and with the momentous issues depending upon it.

*Resolved*, That we sympathise with the people of Kansas, exposed to the outrages of the border ruffians, on the one hand, and the unjust acts of the administration on the other; and should the President attempt to execute his threats of compelling, by military force, their submission to usurpation and despotism for the evident purpose of forcing slavery upon them against their will, and against the principle of the organic law of the Territory, we trust that the friends of justice and freedom in the West and North will not quietly witness such wrong to the free people of the Territory, and to their own interests, but will promptly afford them such succor as circumstances may demand, let the consequences be what they may.

## THE OBJECTS OF THE ANTI-WAR DISUNIONISTS IN 1812, IDENTICAL WITH THOSE OF THE BLACK REPUBLICAN LEADERS NOW.

More than forty years ago the patriotic Mathew Carey, of Philadelphia, startled the American people by publishing and proving in his invaluable book "The Olive Branch," "That there existed a conspiracy in New England to effect a dissolution of the Union at every hazard, and to form a separate Confederacy."

The object of that warning was to abjure the American people to forget their party names of Democrat and Federalist which separated them, and come up to save the country from a secret and malevolent enemy.

His proof consisted in the demonstration that this conspiracy was governed but by one principle, and that was the creation of a sectional hostility by which they could overthrow this Union. Read his description of the Anti-War and Disunion party of that day."

"They are possessed of inordinate wealth—of considerable talents—great energy and overgrown influence. A Northern Confederacy has been their grand object for a number of years. They have repeatedly advocated in the public prints a separation of the States."

\* \* \* \* \*

"To sow discord, jealousy and hostility between the different sections of the Union, was the first and grand step in their career, in order to accomplish their favorite object of a separation of the States."

"In fact, without this efficient instrument, all their efforts would have been utterly unavailing. It would have been impossible had the honest yeomanry of the Eastern States continued to regard their Southern fellow citizens as friends and brethren, having one common interest in the promotion of the general welfare to make them instruments in the hands of those who intended to employ them to operate the unholy work of destroying the noble, the august, the splendid fabric of our Union."

"For eighteen years therefore the most unceasing endeavors have been made to poison the minds of the people of the Eastern States towards and to alienate them from their fellow citizens of the Southern. The people of the later section have been portrayed as demons incarnate, and destitute of all the good qualities that dignify or adorn human nature."

One of their writers says :

"The Northern States can subsist as a Nation or Republic without any connection with the Southern. \* \* \* I shall endeavor to prove the impossibility of a Union for any long period in future, both from the moral and political habits of the citizens of the Southern States."

"It thus happens, that a people proverbially orderly, quiet, sober, and rational, were actually so highly excited as to be ripe for revolution, and ready to overturn the whole system of social order. A conspiracy was formed, which, as I have stated, and as cannot be too often repeated, promised fair to produce a convulsion—a dissolution of the Union—and a civil war."

In order to embarrass the government of Mr. Madison these disunionists opposed the war of 1812. Belonging chiefly to the commercial interests, they opposed a war made to protect those interests. They sympathized with the slave in bondage, and were as ready at that day as this to sever the Union rather than sit in council with the masters, whilst at the same time they traitorously opposed a war as the means of releasing their own sea-faring fellow citizens from worse than servile bondage, their being "eight hundred and seventy-three persons sailing under the American flag which ought to have insured their protection, imprisoned with every circumstance of outrage, oppression, injury injustice.

The patriotic Carey goes on to depict the slavery to which the American

seamen were reduced, from which the disunionists opposed the means of their release.

"We were ordered off the quarter deck, and the captain called for the master at arms, and ordered us to be put in irons. We were then kept in irons about twenty-four hours, when we were taken out, brought to the gangway, ~~and~~ STRIPPED OF OUR CLOTHES, TIED AND WHIPPED, EACH ONE DOZEN AND A HALF LASHES, AND PUT TO DUTY."—*Deposition of Richard Thompson, of New York, page 211, Olive Branch.*

He goes on to recite innumerable affidavits of the same character.

One Hiram Thayer, a native of Greenwich, Mass., was told by Captain Stackpole a British officer, that "if they fell in with an American man of war, he did not do his duty, ~~if~~ HE SHOULD BE TIED TO THE MAST AND SHOT LIKE A DOG."

But they wanted to dissolve the Union, and they resisted the efforts of a Southern President to set their own fellow citizens free from bondage.

They did not hate slavery. They hated the Union. It is the same case now.

### HOW THEY OPPOSED THE WAR.

Some of the clergy at that day, as at this, denounced the government for passing an act (The Declaration of War,) of which they did not approve. Let us compare them with their successors.

The Rev. Mr. Gardiner, Rector of Trinity Church, Boston, on the 23d July 1812, said:

"The alternative then is, that if you do not wish to become the slaves of those who own slaves, and who are themselves the slaves of French slaves, you must either in the language of the day, ~~and~~ CUT THE CONNEXION, or so far altar the national compact, as to insure yourselves a due share in the government."

"THE UNION HAS BEEN LONG SINCE VIRTUALLY DISSOLVED; AND IT IS FULL TIME THAT THIS PART OF THE DISUNITED STATES SHOULD TAKE CARE OF ITSELF." *Idem*, page 19.

Rev. David Osgood pastor of the Church at Medford, said:

"If at the command of weak or wicked rulers, they undertake an unjust war, each man who volunteers his services in such a cause, or loans his money for its support, or by his conversation, his writings, or any other mode of influence, encourage its prosecution that man is an accomplice in the wickedness, ~~and~~ loads his conscience with the blackest crimes, ~~and~~ brings the guilt of blood upon his soul, and ~~and~~ IN THE SIGHT OF GOD AND HIS LAW IS A MURDERER." *Discourses delivered June 27, 1812, page 9.*

Rev. Elijah Parish, D. D., said:

"Here we must trample on the mandates of despotism!!! or here we must remain slaves forever." *Idem*, page 13.

"You may envy the privilege of Israel, and mourn that no land of Canaan has been promised to your ancestors. You cannot separate from that mass of corruption, which would poison the atmosphere of paradise. You must in obstinate despair bow down your necks to the yoke, and with your African brethren drag the chains of Virginia despotism, unless you discover some other mode of escape." *Idem*, page 15.

"The legislators who yielded to this when assailed by the manifesto of their angry chief, established iniquity and murder by law." *Idem*, page 9.

Compare the Disunion preached of that day with the Disunion preached at the present day. Look at the treasonable sentiments of the Beecher of 1855, contained in the pamphlet entitled "Fearful Issue, &c.," in this volume, and compare them with those of the Gardiners, Osgoods and Parishes of Mr. Madison's time. They assailed him and the Union then, as they assail the Kansas Act and the Union now.

But it happens that we can from the public records identify at least one individual who was the active advocate of dissolution then, and has avowed the

same sentiments now. He was then indifferent to the far worse than plantation bondage in which we have shown his own fellow-citizens were held by the British *then*, yet he affects to make his horror of slavery *now*, his excuse for avowing the same doctrines:

"Mr. Quincy repeated and justified a remark he had made: which, to save all misapprehensions, he committed to writing in the following words:

"If this bill passes, it is my deliberate opinion, that it is virtually A DISSOLUTION OF THE UNION; that it will free the States from their moral obligation; and as it will be the right of all, so it will be the duty of some, TO PREPARE FOR A SEPARATION, amicably if they can—VIOLENTLY IF THEY MUST."

### NOW HEAR THE SAME JOSIAH QUINCEY!

Josiah Quincy is the venerable head of a large class of men in Boston, who are constantly at work against the Union. During the late war with England he began his crusade against the Union, and surpassed its worst adversaries. He assailed Mr. Jefferson for his purchase of Louisiana, in 1803, because this was intended, in his opinion, to extend the area of Slavery. Though past eighty-five, he is still the enemy of the Democracy. *He is now in the field for Fremont.* What his views now are, may be seen from the following extract from his speech, at Boston, on the 18th of August, 1854.

"The Nebraska fraud is not that burden on which I intend now to speak. There is one nearer home, more immediately present and more insupportable. Of what that burden is, I shall speak plainly. The obligation incumbent upon the free States to deliver up fugitive slaves is that burden—and it must be obliterated from that Constitution, at every hazard."

"And such an obliteration can be demonstrated to be as much the interest of the South as it is of the North."

This man knows that we should have no Union or Constitution, but for this very provision!

Josiah Quincy is still in the land of the living; and though approaching his ninetieth year, is still as hostile to the Union as he was fifty-three years ago, while Jefferson was President, or at a later period, when Jackson was chief magistrate.—*Fearful Issue.*

For the sentiments in detail of the noted Black Republican disunionists of the present day, which afford the striking resemblance between them and those in Mr. Madison's time, we must refer our readers to the admirable document in this volume before referred to, from which the preceding pointed observations upon Mr. Quincy are taken.

### PLANS OF THE DISUNIONISTS THEN—PLANS OF THE BLACK REPUBLICANS NOW.

*They attempted to "stop the wheels of Government" by preventing the loan of money to carry on the war.*

"Let no man who wishes to continue the war by active means, by vote or lending money, DARE TO PROSTRATE HIMSELF AT THE ALTAR ON THE FAST DAY; for they are actually as much partakers in the war, as the soldier who thrusts the bayonet; and THE JUDGMENT OF GOD WILL AWAIT THEM."

"By the magnanimous course pointed out by governor Strong, that is, by withholding all voluntary aid in prosecuting the war, and manfully expressing our opinion as to its injustice and ruinous tendency, we have arrested its progress; and driven back its authors to abandon their nefarious schemes, and to look anxiously for peace. What then if we now lend them money? They will not make peace; they will still hanker for Canada; they will still assemble forces, and shed blood on our western frontier. Mere pride, if nothing else, would make them do it. The motives which first brought on the war, will still continue it, if money can be had. But some say—will you let the country

become bankrupt? no, the country will never become bankrupt. BUT PRAY DO NOT PREVENT THE ABUSERS OF THEIR TRUST BECOMING BANKRUPT."

"It is very grateful to find that the universal sentiment is, that ~~NO~~ ANY MAN WHO LENDS HIS MONEY TO THE GOVERNMENT, AT THE PRESENT TIME, WILL FORFEIT ALL CLAIM TO COMMON HONESTY AND COMMON COURTESY AMONG ALL TRUE FRIENDS TO THE COUNTRY!!!!!"

"~~NO~~ My brother farmers, if you have money to let, let it lay. ~~NO~~ If the war continues, you will purchase your stock at four years old, cheaper than you can raise it; so unjust is this offensive war, in which our rulers have plunged us, in the sober consideration of millions, that ~~NO~~ they cannot conscientiously approach the God of armies for his blessing upon it."—[Boston Centinel, 18th January, 1818.

*The Disunionists attempted to exhaust the means of the Middle and Southern States which supported the war, by draining their banks of specie.*

"It may not be uninteresting to the reader to explain this process a little more in detail. New York purchased goods largely in Boston, partly for bank notes and partly on credit. For the latter portion promissory notes were given, which were transmitted from Boston to the New York banks for collection. Very large purchases were likewise made in Boston by citizens of Philadelphia, Baltimore, Richmond, Petersburg, &c. Payments were made in bank notes, of the middle and southern States, and in promissory notes. Both were sent on to New York, the first for transmission to the banks whence they were issued—and the second for collection.

"This state of things suggested the stupendous idea, at which the reader will stand aghast, of wielding the financial advantages then enjoyed by Boston, to produce the effect which the press and the pulpit had failed to accomplish—that is, *to stop the wheels of government by draining the banks in the middle and southern States of their specie, and thus producing an utter disability to fill the loans!!!* This scheme was projected in the winter of 1813-14—and immediate arrangements were made to carry it into execution."

"A fearful alarm spread through the community. The issue was looked for with terror. Wagons were loading with specie at the doors of our banks almost every week. There have been three at one time loading in Philadelphia. The banks throughout the middle and southern States were obliged to curtail their discounts. Perpetuities took place to a considerable extent."

The result was that the banks in Massachusetts soon had \$4,945,444 specie in their vaults to \$2,000,000 circulation.

"To render the stroke at public credit more unerring—and to place the result wholly out of the reach of contingency, there was an arrangement made by some persons at present unknown, with agents of the Lower Canada, whereby an immense amount of British government bills, drawn in Quebec, were transmitted for sale to New York, Philadelphia, and Baltimore, and disposed of to monied men, on such advantageous terms as induced them to make large purchases. And thus was absorbed a very large portion of the capital of these three cities."

By such means they were determined then to repeal the declaration of war as their successors are now to repeal the Legislation of Kansas.

The further effect in the Middle and Southern States is shown by Mr. Carey.

"These drafts were carried to such a great extent, that on the 26th of August the banks in Baltimore—on the 29th those in Philadelphia—and on the 31st those in New York, were reduced to the painful necessity of suspending the payment of specie."

## THE DISUNIONISTS DICTATED THE HIGHER LAW AS THE MEANS OF DEFEATING THE GOVERNMENT.

"Administration hirelings may revile the Northern states, and the merchants generally, for ~~this~~ *this monstrous depravation of morals, ~~this~~ this execrable course of smuggling and fraud* But there is a just God who knows how to trace the causes of human events: and ~~he~~ *he will assuredly visit upon the authors of this war, all the iniquities of which it has been the occasion. ~~If~~ If the guilty deserve our scorn or our pity, ~~the~~ the tempters and seducers deserve our execration."*

Thus we have the Higher Law recommended by the Disunionists as justifying resistance to an "odious and unjust war," as it has been since in resisting what is called by them, an "unjust and odious" Fugitive Slave Law.

Can there be any further doubt that the objects and plans of these two parties are the same?

We have only to recapitulate, to bring to the eyes and mind of the reader the identity of the two.

Both resorted to Anti-Slavery agitation, to divide the two sections.

The Disunionists of 1812 said that the South governed the North by its slave representation.

The Disunionists of 1856 say that the South commits an act of aggression upon the North, by leaving to the people of Kansas to choose whether they will own slaves or not.

Both employed a minority to effect their purposes.

The Disunionists of 1812, having no department of the Government, employed the wealth and corporate combination of an outside minority.

The Disunionists of 1856 employ the Legislative majority of two or three in one branch of the National Congress to compel the passage of an act which they want, and which the other Branch and Executive Departments of the Government do not want, as a condition to their consent to the passage of an act alike indispensable to the interests of all.

Both attempted to embarrass the Government into compliance with their purposes, by stopping the supplies necessary to national defence. The Disunionists of 1812, by defeating the War loan. The Disunionists of 1856, by withholding the pay of the officers, soldiers and artificers, and thus disbanding the army.

The object of the one was the repeal of the act declaring war against Great Britain.

The object of the other was the repeal of the act authorizing the admission of Kansas with a free or slave constitution.

Are not their purposes identical, and should you not fellow citizens sacrifice your party differences now, as your fathers did then, to the peace of the country and the duration of the Union?

## HYPOCRISY OF ABOLITION ORATORS.

HOUSE OF REPRESENTATIVES,

August 11, 1856.

SIR:—In compliance with your request, I forward to you a copy of the bill of sale from Dr. Joseph E. Snodgrass, the travelling Abolition orator, conveying to Daniel Burkhart two slaves. I cannot comply with your farther request to have it certified under the seal of the Clerk of the County Court. It has never been recorded, as it is not usual in Virginia to record such instruments, nor does the law require it where the sale of a slave, or other personal chattel is accompanied by the transfer of possession from grantor to grantee, as was the case in the transfer of the slaves by Dr. Snodgrass

to Mr. Burkhart. The copy I send to you is in the handwriting of Mr. Burkhart, with which I am well acquainted, and who in person handed it to me. Mr. Burkhart is a gentleman of great intelligence and worth. He was for many years a magistrate of the county of Berkeley, and is at this time the cashier of the Bank of Berkeley, Virginia. Dr. Snodgrass will not dare to deny the genuineness of this paper, nor will he dare to deny that he first made sale of all the slaves which he inherited from his father, and put the price of flesh and blood into his pocket, before he assumed the vocation of teaching his fellow men what an atrocious crime it is to hold a human being in bondage. Such hypocrites and impostors should be scouted from every stand from which they attempt to address the people.

Know all men by these presents, That I, Joseph E. Snodgrass, of the city of Baltimore, in the State of Maryland, for and in consideration of the sum of eight hundred dollars to me in hand, paid by Daniel Burkhart, the receipt whereof is hereby acknowledged, have bargained and sold, and by these presents do bargain and sell into the said D. Burkhart, a negro man, named Charles, of about the age thirty-six years; also, a negro woman, wife of the said Charles, named Emily, aged about nineteen years, together with the natural increase of the said Emily. And I, the said Joseph E. Snodgrass, for myself and my heirs, executors, and administrators, do hereby warrant the said negroes and their increase to be slaves for life. In testimony whereof, I have hereunto set my hand and seal this 1st day of December, 1838.

(A copy,)

JOSEPH E. SNODGRASS.

[SEAL.]

## A STUPENDOUS IMPOSTURE EXPOSED.

The Black Republicans are circulating for the purpose of poisoning the minds of our Irish fellow-citizens thousands of a fraudulent pamphlet purporting to be an address from their countrymen in Washington, imposing the acquittal of Mr. Herbert for killing Thomas Keating upon the Democratic party of the country. The following card from the alleged signers of the address exposes the fraud.

### A CARD.

WASHINGTON CITY, August 23, 1856.

Finding our names appended to a printed document, published in this city for the benefit of the Republican party in the present political canvass, headed "THE KILLING OF THOMAS KEATING.—AN ADDRESS FROM IRISHMEN OF WASHINGTON CITY TO THE CITIZENS OF THE UNITED STATES," we desire to make known the fact that some of us have not signed it, and that all of us disapprove, disavow, and deny its political statements. Those of us who did sign it were induced so to do by misrepresentation of its purport and contents on the part of an individual who, in asking our signatures to it, assured us that it was only to be a history of the killing of Thomas Keating, and of the circumstances of the imprisonment, trials and final acquittal of Philemon T. Herbert, the perpetrator of that act, designed as a precursor of the publication of the speech of Mr. Preston delivered on the last trial of Herbert, printed in advance of the publication of that speech, so that the distant public might have a reliable key to his argument.

We pronounce false the statement of the aforesaid document intimating that the Secretary of State—Mr. Marcy—sought to screen the accused, by lending his influence to prevent Mr. Dubois, the Netherlands Minister from testifying in the case; that gentleman's Government having expressly forbid him from testifying under circumstances wherein he would be compelled to submit himself to the usual cross-examination, the only system of giving testimony known to our laws, and Mr. Dubois having asked permission of his Government to testify in that way at the suggestion and solicitation of Secretary Marcy.

We are humble men, but we respect ourselves and our rights which have been outraged by those unknown to us, who have undertaken for political effect to use our

names as we have explained above. We have to ask those conducting journals of all parties who respect the truth, to spread before their readers this brief card.

Patrick M. Keating,  
Rd. B. Gardiner,  
Daniel Shea,  
Peter Mansville,  
John Earlight,  
Wm. Roach,  
Edmund Roach,  
Patrick Branagan,  
Wm. Scherager.

Charles Quinn,  
James Quinn,  
Jere H. Riordan,  
John Green,  
John Roach,  
John Keating,  
Edward Gorman,  
David Roach,

## FREMONT THE DUELLIST.

The Black Republicans have been poisoning the northern mind with the idea that the Southern men are all bullies and fighting men, disposed rather to resort to the persuasion of the bludgeon than to the arguments of reason.

The case of the Hon. Preston S. Brooks, and other incidents resulting from an extraordinary existence of excitement, have been cited to sustain this assertion. We do not blame Col. Fremont for what he has done in that line, but we publish the following as antidotes to the poison which has been infected into the public mind by his friends.

These incidents show him to be the cool calculating, revenge-seeking duellist.

His first challenge was sent to Col. Mason, in 1847. It was as follows:

"CUIDAD DE LOS ANGELES, April 14, 1847.

"SIR:—An apology having been declined, Major Reading will arrange the preliminaries for a meeting requiring personal satisfaction.

Very respectfully, your obedient servant,

"J. C. FREMONT,

"Lieut. Col. Mounted Riflemen.

"Col. R. B. MASON,

"First dragoons, Ciudad de los Angeles."

Col. Mason requested time to go to Monterey to arrange his *private* affairs previous to their meeting. Col. Fremont thus replied:

"CUIDAD DE LOS ANGELES, April 15, 1847.

"SIR:—I am in receipt of your letter of this date, and in reply have the honor to state that I will hold myself in readiness for a meeting at Monterey, at such time as you may designate.

"I am, very respectfully, your obedient servant,

"J. C. FREMONT,

"Lieut. Col. Mounted Riflemen.

"Col. R. B. MASON,

"First Dragoons, Ciudad de los Angeles."

Col. Fremont repaired to Monterey, and presented himself at Col. Mason's headquarters, to let Mason see he was in Monterey, but would not sit down. Gen. Kearney and Com. Biddle, hearing of the proposed meeting, wrote the parties, forbidding the meeting.

Col. Fremont thus replied to Col. Mason's letter.

"MONTEREY, May 22, 1847.

"SIR:—I have the honor to acknowledge the receipt, on yesterday, of your note of the 19th inst., accompanied by a copy of a letter from Com. Biddle to yourself.

"The object of your note appears to be to induce me to consent to a further, and indefinite postponement of a meeting. If such be your desire I am willing to comply with

is, trusting that you will apprise me of the earliest moment at which the meeting can take place consistently with your convenience and sense of propriety.

"I am, most respectfully, your obedient servant,

"JOHN C. FREMONT.

"Col. R. B. MASON, Monterey."

### THE FOOTE AND FREMONT DIFFICULTY.

The difficulty between Senators Foote and Fremont grew out of the circumstance that Foote charged Fremont, in the Senate, with seeking legislation in reference to the gold mines for the sake of his own private advantage, which Fremont pronounced false.

Afterwards they met in the ante-chamber, when Fremont struck Foote and brought blood. They were immediately separated by Senator Clarke. Subsequently, Fremont addressed a note to Foote, demanding a retraction of the language used by him in debate, to be signed in the presence of witnesses, and a challenge note was left if he refused.

Mr. Foote declined to sign the paper, but addressed a note in reply to Fremont, disclaiming any intention of giving any personal offence in the language used by him in debate.

The friends of both parties considered this satisfactory to Fremont, but, at his instance, the note of Mr. Foote was submitted to Col. Benton, who consented to an arrangement. The following card was the result:

WASHINGTON, September 28, 1850.

A. CARD.—The undersigned are authorized to state that the difficulty between the Hon. H. S. Foote and the Hon. J. C. Fremont, growing out of certain expressions used by the former in relation to the California bill in the Senate last evening, has been adjusted satisfactorily and honorably to both those gentlemen.

Signed,

A. C. DODGE,  
W. M. GWINE,  
HENRY W. SIDLEY,  
RODMAN M. PRICE.

### CHARGE OF BARGAIN AND INTRIGUE.

Referring to the document entitled "Short Answers, &c.," embraced in this volume, relative to the connection of Mr. Buchanan with the charge of bargain and intrigue against Mr. Clay, we cite some additional facts bearing thereon. See what Gov. Letcher, in a recent speech at Mayslick, Kentucky, said, "that Mr. Buchanan was his personal friend—that he was a gentleman and a patriot, for whom he entertained a high regard—and he could not say a word against his character as a man. He did not like his political sentiments, and opposed him on that account."

Gov. Letcher, be it remembered, is the witness upon whom the opposition editors have relied to prove Mr. Buchanan the calumniator of Mr. Clay!

GEORGE E. BADGER A PROMINENT SUPPORTER OF MR. FILLMORE IN NORTH CAROLINA CONNECTION WITH THE CHARGE. MR. BADGER IS ONE OF THOSE OLD LINE WHIGS WHO CAN'T SUPPORT MR. BUCHANAN.

Mr. Badger, in his address to his constituents in 1828, said:

"Mr. Clay, of Kentucky, was one of the four candidates for President; but having the lowest number of electoral votes, was excluded from the House. The State from which he came had instructed her members, in the event which had then happened, to support General Jackson; but, under the influence of Mr. Clay, a man of intrigue, and of eloquence, of unbounded ambition, and of talents above mediocrity, these members, with those of other western States, voted for Mr. Adams, and his election was the result. Immediately after his elevation, Mr. Adams appointed Mr. Clay Secretary of State, in

power and influence the second station of our government, and generally thought to be an introduction to the first.

"Between these two gentlemen there had been previously neither confidence nor affection; and Mr. Clay had public expressed, in language not to be misunderstood, a disbelief of Mr. Adams's political integrity and patriotism. How, then, are you to account for Mr. Clay's support of Mr. Adams, in opposition to the declared wishes of Kentucky.

\* \* \* \* \*

"Take the facts, and answer for yourselves whether it be harsh or uncharitable to conclude that he voted for Mr. Adams in the expectation of being Secretary of State, and that this expectation decided his vote. Let the friends of Mr. Clay protest against the conclusion with whatever of earnestness they can press into the service, and the common sense of mankind will still find in his conduct the grounds of serious suspicion. They may contend that there is not proof to convict him in a court of justice, and subject him to an ignominious punishment. If this were allowed, it will avail them nothing, for the inquiry is not about inflicting punishment on Messrs. Adams and Clay; it is about the propriety of continuing them in public stations of power and influence: and, with due submission, the difference is vastly important. We pity the miserable wretch dragged to the bar, for whom the scaffold or whipping-post is in waiting; and the humanity of the law coincides with our own compassion in pronouncing that doubt shall be followed by acquittal; but to him who claims our confidence, probable suspicion is just ground for refusal; and many are the men dismissed by an acquittal from a court of justice, who, upon grounds which the law cannot notice, stand condemned before the tribunal of public opinion. Aaron Burr was acquitted—and rightfully acquitted, too—for want of evidence; but think you he is a fit object to attract confidence?—is he entitled to support?

Andrew Jackson Donelson, the Know-Nothing candidate for the Vice-Presidency, connection with the Bargain and Intrigue slander.

Now, A. J. Donelson, in August, 1844, as chairman of a Democratic Mass Meeting, in announcing the circumstances which prevented the arrival of Hon. Lynn Boyd, of Kentucky—

"Called the attention of the meeting to the fact that Mr. Boyd was the distinguished Kentuckian who had charged and proved upon Mr. Clay, in his place in Congress, the charge of 'Bargain, Intrigue and Corruption' in the Presidential election of 1825, and who had been sustained by his constituents in his course, he therefore proposed nine cheers for Lynn Boyd and the Democracy of his district."

There is consistency.

## MR. BUCHANAN AND THE BANKRUPT BILL.

The enemies of Mr. Buchanan are charging him with having voted for the Bankrupt Bill. The Hon. David S. Reid, a Senator from North Carolina, has written a letter entirely disproving the charge. We extract from it the following record evidence:

"At the time this act was passed, Mr. Buchanan was in the United States Senate, and on July 24, 1841, he is recorded as voting against the passage of the bankrupt bill. See Senate Journal for that session, page 115. On the same day Mr. Buchanan made a speech against the bill. (See appendix to Congressional Globe for that session, p. 205.)

"On February 25, 1843, Mr. Buchanan is recorded as voting for the repeal of the bankrupt law. (See Senate Journal for that session, p. 229.)

"When the act passed Mr. Fillmore was a member of the House of Representatives, and on August 18, 1841, he is recorded as voting for the bankrupt bill. (See House Journal for that session, p. 879.) Mr. Fillmore made a speech in favor of the passage of the bill August 18, 1841. (See appendix to Congressional Globe for that session, p. 480.)

"On January 17, 1843, Millard Fillmore is recorded as voting against the repeal of the bankrupt act. (See House Journal for that session, page 215.)

"It will, therefore, be seen that Mr. Buchanan *did not* vote for the bankrupt law, but that Mr. Fillmore *did*; and moreover that Mr. Buchanan voted for the repeal of the law, while Mr. Fillmore voted against the repeal."

## MR. BUCHANAN VINDICATED FROM THE CHARGE OF HAVING VIOLATED THE SUB-TREASURY LAW BY DEPOSITING MONEY IN SIMON CAMERON'S BANK.

We wish to fix attention on the specific charge that "Mr. Buchanan, while Secretary of State, wrote to Mr. Polk recommending \$50,000 to be deposited in Simon Cameron's bank," &c. This letter, the Post is informed, contains sufficient evidence to send Mr. Buchanan to the state prison for a violation of the sub-treasury law. If this charge is true, Mr. Buchanan ought not to be elected president; and if true, the proof ought to be obtained from the proper department to establish it. To show how basely false the charge is, we ask attention to the following facts, which appear by the official records:

"Mr. Buchanan entered upon his duties as secretary of State, under Mr. Polk, on the 4th of March, 1845. The sub-treasury law was passed on the 6th of August, 1846.

"On the 4th of November, 1844, the books of the treasury department show that the deposits of \$50,000 was made in Mr. Cameron's bank at Middletown, Pennsylvania.

"The deposits, therefore, which the Post says was recommended by Mr. Buchanan's letter addressed to Mr. Polk, was made by Mr. Tyler, just four months before Mr. Buchanan was appointed secretary of State by Mr. Polk, and just twenty-one months before the sub-treasury law was passed."

## TRIUMPHANT VINDICATION OF MR. BUCHANAN BY THE MECHANICS OF HARPER'S FERRY, VA.

### MEETING OF THE MECHANICS OF HARPER'S FERRY, VIRGINIA.

A very large and enthusiastic meeting of the mechanics of Harper's Ferry was held in that place on the 12th of August, 1856, at which, on motion, JOHN PRICE, Esq., was called to the chair, and Thomas W. SHURVEZ, Esq., appointed secretary.

On motion, a committee, consisting of Captain William H. More, T. S. Duke, and Michael E. Price, Esqs., was appointed to draught resolutions expressive of the sense of the meeting in regard to the base calumnies which have been circulated, charging Mr. Buchanan with being unfriendly to the interests of the working man of the country.

The committee, retiring for a short time, came into the meeting and made their

#### REPORT.

The mechanics of Harper's Ferry having seen, with much regret, the unprincipled effort of the enemies of the Hon. James Buchanan to revive and fasten upon him the charge of having advocated a reduction of the wages of mechanical labor to the rate of "ten cents a day," have deemed it a duty to one who has so long and so consistently represented the interests of the industrial classes, to examine and refute this infamous charge, as contrary to history and reason, and contradictory to the whole tenor of his private life and public record.

In proceeding with this refutation, we cannot suppress our honest indignation at the impudent imputation upon the intelligence of the American mechanics which the circulation of this calumny implies. Who are the mechanical classes of our country? Are they like the menial millions of Europe, oppressed by class combinations, kept in the most profound ignorance of everything except the manual, skill necessary to execute some special article of social consumption, and living upon an allotted pittance of their own labor?

Are they so far debarred the privilege to read and reason as that they may be misled by the charge that one who has been through life their benefactor and advocate has deliberately tried to deprive them of a just compensation for their labor and the honest support of their families?

Is it supposed that they cannot discriminate between truth and falsehood? or distinguish an honest friend from a concealed enemy?

Enjoying, then, the same advantages of acquiring information with other citizens of the republic, accustomed to discuss and investigate for themselves public questions in which their rights are involved, they have appealed to the records of the country to testify upon the truth or falsity of the charge referred to.

Before, however, proceeding with the investigation of the subject, the mechanics of Harper's Ferry may be pardoned in taking a peculiar interest, when it is known that they stand under especial obligations to the statesman whose character they intend to vindicate.

It will be remembered that, in the year 1841, an effort was made to commit the direc-

tion of the mechanical labor employed in the manufacture of fire arms to officers of the army of the United States. The injustice of this measure occasioned an appeal to Congress, and amongst the most earnest and efficient advocates of continuing the mechanical construction of military weapons in the hands of a practical and mechanical civilian was the Hon. James Buchanan, as will be seen by reference to his whole congressional history, and the following letter addressed by him to a member of the committee sent from the Army at this place to advocate the desired relief:

(Here the Mechanics publish Mr. Buchanan's letter of July 24, 1842, contained on page 25 of the document called Short Answers, in this volume.)

We proceed with a narrative of historical facts, necessary to the intelligent comprehension of this infamous charge.

During the currency war, which followed the delivery of the country from the monster monopoly of the United States Bank, Mr. Buchanan advocated the establishment of the independent treasury. One argument used by the enemies of this independent measure was that it was designed to prostrate the whole banking system, and introduce a metallic currency. Assuming that this was the purpose of its advocates, it was a natural inference that such a financial revolution must paralyze the monetary and industrial interests of the country. The wages of the mechanic and laborer must sympathize with this universal embarrassment, and great suffering would result to all who depended upon the sweat of their brows for an honest maintenance. Such were the consequences attributed by its enemies to the establishment of the independent treasury. The consequences then were denied and controverted by its friends. They disavowed any intention to overthrow the institution of credit. They demonstrated that such an effect treasury would reduce the wages of labor.

They would not follow the measure. They denied that the establishment of the independent It was a bold step on the part of the panic-makers that they should have ascribed to Mr. Buchanan an admission of the very imputation which himself and others so vehemently denied. Yet it seems that a senator of that day, whose *soubriquet* of *honest* John Davis was not certainly conferred upon him for the merit of fairness towards his political antagonists, charged Mr. Buchanan with having advocated the independent treasury for the express purpose of bringing down the wages of labor. Having assumed that this consequence was intended and desired by Mr. Buchanan, this honest John Davis added in the appendix of his speech the rates of daily labor allowed as the rule of mechanical compensation under the despotisms of Europe, as that to be established by the independent treasury in this country; another and an inferior set of calumniators reduced this fallacy to a simpler formula of falsehood, and asserted that Mr. Buchanan had declared himself in favor of fixing the wages of American laborers and mechanics "at ten cents a day!" Thus did this calumny originate.

Time has vindicated the wisdom of Mr. Buchanan and of those who aided him in separating the federal government from the monetary concerns of the country. It has shown that the predictions of the panic-makers have been falsified by the whole fiscal history of the country. The Bank of the United States has been discontinued; yet the currency is uniform and readily convertible. Domestic exchanges rule below the average rate during the bank regime. Commerce is prosperous. Manufactures flourish, and the wages of labor are steady and liberal. If the object of those who introduced the independent treasury had been to reduce the wages of labor, they should long since have set about its repeal. The preposterous consequences predicted by the panic-makers have not followed its establishment. The friends of the independent-treasury system point to the prosperity which prevails as a vindication of the wisdom that designed it.

Mr. Buchanan was never the representative of corporate or associated wealth. The Bank of the United States, with its whole affiliated influence, located in the metropolis of his own State, appealed to him in vain. He steadily represented the great agricultural, mechanical, and mineral interests. He still represents their interests, and it would be ridiculous to say that he had deserted them, and that they have nevertheless continued their unabated confidence in him for more than twenty years.

If any specific evidence of the interest taken by Mr. Buchanan in the misfortunes of the mechanic was wanting, it will be found in the following letter to the Secretary of the Navy, imploring him to afford temporary employment to five hundred mechanics thrown suddenly out of work at the Philadelphia navy-yard in 1837.

(Here the mechanics publish Mr. Buchanan's letter of December 26, 1837, contained on page 26, of the document called Short Answers, in this volume.)

It will be seen from this report that we have examined this charge against Mr. Buch-

anan historically, logically, and by the test of those motives which usually influence the relation between representative and constituent. From this investigation we are satisfied that the charge is absurd, groundless, and malicious, and that it ought to be withdrawn by every antagonist who makes the least pretension to fairness or to justice.

*Resolved, therefore,* that the mechanics of Harper's Ferry have seen with regret that the malignant spirit of party has endeavored to impair the confidence of the laboring men of the country in the integrity of Hon. James Buchanan, by charging him with a wish to reduce the rates of compensation for their labor to a degrading scale of wages, established by the class-combinations of Europe.

*Resolved,* That the whole public history of Mr. Buchanan proves him to have been the representative of the laborious and intelligent class of American citizens upon which the power and prosperity of the republic must depend, of which he is a native, to which he owes every representative position which he has ever held, and to which he has dedicated the patriotic labors of a long and virtuous life.

*Resolved,* That with an impartial determination to examine every charge brought against the candidate of their choice, the mechanics of Harper's Ferry are satisfied that the charge that the Hon. James Buchanan has ever advocated a low rate of wages for the laboring man is contrary to the whole tenor of his private acts, to the charity and justice of his nature, and to the democratic theory by which his whole public actions have been regulated, and we pronounce these charges false, absurd, and malicious.

On motion, the above preamble and resolutions were adopted unanimously.

The meeting then adjourned.

JOHN PRICE, Chairman,

THOMAS W. SHRIVER, Secretary.

## OLD LINE WHIGS OF THE COUNTRY IN FAVOR OF MR. BUCHANAN.

### OLD LINE WHIGS IN MARYLAND FOR BUCHANAN.

Hon. Thomas G. Pratt, Hon James Alfred Pearce, present United States Senators.

Hon. William D. Merriek, former United States Senator.

Capt. Richard T. Merriek, son of the above.

Hon. Thomas F. Bowie, of Prince Georges, now in Congress.

Hon. Bevedy Johnson, former United States Senator and Attorney General under General Taylor.

William K. Gaither, President of the State Senate.

Hon. John B. Eccleston, of Kent, one of the Judges of the Court of Appeals.

Hon. Esakiel F. Chambers, former United States Senator and Judge of this Judicial District.

Hon. Isaac D. Jones, of Somerset.

Hon. John W. Crisfield, of Somerset.

Samuel Hambleton, Esq., of Talbot, former State Senator.

Henry H. Goldsborough, Esq., lawyer of Talbot.

Daniel F. Henry, Esq., of Dorchester, former Whig candidate for Congress.

George W. P. Smith, Esq., editor of the Snow Hill Shield.

Hon. William T. Goldsborough, former State Senator and Whig candidate for Governor.

E. W. Dirickson, of Worcester, former member of the Legislature.

Col. Joseph Wickes, of Charlestown, former Deputy Attorney General for Cecil and Kent.

Hon. Alexander Evans, of Cecil, former Representative in Congress.

George Earl, Esq., of Cecil.

John A. Crosswell, of Cecil.

John C. Morgan, of St. Mary's.

John T. Dorsey, of Howard county, former member of the Legislature and member of the Reform Convention.

William H. Dorsey, of Baltimore, brother of the above.

S. Teakle Wallace, of Baltimore, a prominent lawyer and former Whig speaker.

Thomas Yeates Walsh, of Baltimore, former member of Congress.

William H. Gatchell, Esq., lawyer of Baltimore.

Robert M. Magraw, Esq., of Baltimore, President of Susquehanna Railroad.

Thomas Donaldson, Esq., of Howard county, former member of the Legislature and member of the Convention which formed the present constitution of the State.

John K. Longwell, of St. Mary's county, former member of the Legislature.  
Benedict I. Heard, of St. Mary's county, a prominent Whig.

### OLD LINE WHIG LAWYERS IN CINCINNATI FOR MR. BUCHANAN.

Judge James,  
Judge M. R. Tilden,  
Judge Saffin,  
C. Anderson, Esq.,  
Joshua Bates, Esq.,  
N. Longworth, Esq.,  
T. Nesmith, Esq.,  
D. Worthington, Esq.,  
J. Worthington Esq.,

Judge T. M. Key,  
Judge W. Johnson,  
Hon. E. H. Spencer,  
Alex. Johnson, Esq.,  
A. S. Sullivan, Esq.,  
L. Anderson, Esq.,  
Patrick Mallon, Esq.,  
T. Jones, Esq.,

We add the following:

Hon. George Evans, Maine,  
Hon. E. W. Farley, Maine,  
Hon. Rufus Choate, Mass.,  
Hon. James C. Jones, Tenn.  
Hon. A. G. Talbott, Ky.,  
Hon. William Preston, Ky.,

Hon. J. P. Benjamin, La.,  
Hon. Josiah Randall, Penn.,  
Hon. William B. Reed, Penn.,  
Hon. I. E. Hiester, Penn.,  
Hon. T. J. Michie, Va.,  
And a host of others.

### TO THE OLD LINE WHIGS.

The following address taken from the National Intelligencer of the 27th of October, 1840, was issued by the State Whig Central Committee to the Whig Party in Maryland and shows the doctrine of the Whig party, both as to the naturalisation and the Catholic question.

Many sincere Whigs, who in the present contest are heart and hand with the Democratic party, will rejoice to know that the Whig doctrine, years ago, was that a discussion of religious creeds should not be brought into political contests. They stand now where they stood in 1840, and extend the hand of fellowship to all who fight the same great battle:

### TO THE WHIGS OF MARYLAND.

The undersigned, as members of the Whig Central Committee of the State, have deemed it their duty to present this statement of their views. The Whigs of Maryland will, we have no doubt, sustain this proceeding, and acquiesce in its propriety.

Gen. Duff Green, as editor of the Pilot, has discussed in his paper subjects which, in the opinion of the undersigned, have no proper connection with the Presidential election. Within a few days this gentleman has published a prospectus for a newspaper, in which he expresses his determination to continue, after the election, discussions on questions with which the Whig party has not been, and will not be identified. As an individual, Gen. Green has an undoubted right to take such a course as his own judgment may approve. As an editor of a party paper, he has thought proper to persevere in conduct which he knew was disapproved of by the Whig party of Maryland. He has repeatedly been requested to avoid all discussions in reference to religious sects, but such requests have always been disregarded. He has ever assumed the position that he alone is responsible for what may appear in his editorial columns. This is undoubtedly true; and our object now is to make this manifest beyond all dispute to the people of Maryland. We now emphatically declare that the Whig party is not in any way, or to any extent, responsible for what has heretofore been published in the Pilot on the subject of Catholicism and naturalised voters, and will not be responsible for what Gen. Green may be pleased hereafter to do.

It is our decided conviction that the election contests in this country are already sufficiently exciting and absorbing in their character. If the differences of opinion between the religious denominations are to be appealed to, and to be used as incentives to party action, no man can foresee how terrible may be the result. Heretofore, after the elections have been settled by the ballot box, a calm has succeeded the political storm. With the close of the contest have subsided the excited and often angry feelings which prevailed during its continuance. Those who were alienated one from the other by political dis-

cussions have generally returned to their friendly relations after the settlement of the questions which divided them. But if, in addition to the causes of discussion which ordinarily exist, a religious controversy is to take place, who can allay the excitement which these combined causes may produce, and when will such a contest be finally settled.

In this country every man is permitted to worship his Maker in such way as his conscience may approve. Our laws and constitutions were framed to secure to all this glorious privilege. The native and naturalized citizens are equally entitled to the blessings of our government. All are equal; and when a stranger takes up his abode here, and has remained among us during the time prescribed by the naturalization laws; he has a right to become a citizen, and will be entitled to the privileges of citizenship.

Such being the views of the Committee, and, as they believe, of their constituents, the great Whig party of the State of Maryland, they hereby declare their disavowal of any concurrence in the present or prospective editorial course of General Green, and devolve upon him alone the entire responsibility of his course.

N. F. WILLIAMS, Chairman.

GEO. R. RICHARDSON,  
WM. H. GATCHELL,  
JAMES GRIEVES,  
SAMUEL HARDEN,  
GEO. W. KREBS,  
ASA NEEDHAM,  
CHAS. H. PITTS,  
NEILSON FOR,  
GEO. M. GILL,  
JAMES HARWOOD,

WILLIAM CHESNUT,  
JOHN P. KENNEDY,  
SAM'L McLELLAN,  
A. G. COLE,  
HUGH BIRCKHEAD,  
JAS. L. RIDGELY,  
GUSTAV W. LURMAN,  
JAS. FRAZIER,  
WM. R. JONES,  
T. YATES WALSH.

## THE NORTHERN SUPPORTERS OF MR. FILLMORE.

The first suggestion of the Revolutionary means of redressing what the Abolitionists call the wrongs of Kansas came from the Hon. George Grundy Dunn, of Indiana, a candidate for Elector on the Fillmore ticket in that State. In a speech in the House of Representatives on the 21st of July last he said:

"I would cut off the supplies and stop the wheels of government, rather than let it move an inch further in its present most ill-directed and perilous course. If those who control that course are refractory—if they will not heed the clear and distinct utterances of an overwhelming public sentiment, justly aroused to indignation against a great wrong—if the dangers that threaten us will not warn or check them, I would cut off the *sources of power and thus compel submission* to an overwhelming public necessity. [Cries of 'Good!' 'That is it!' 'That is the doctrine!']"

He was speaking in favor of a restoration of the Missouri Compromise at the time. The public sentiment to which he alluded was that which he supposed to be in favor of such restoration. In the same speech he said:

"I shall most cheerfully give my vote to that candidate who both hails from, and lives in, New York, and not to him who hails from, and lives in Pennsylvania, or to him who, living in New York, for the purpose of this canvass, hails from California—or to any other, who is amphibious, either in his home or his principles." [Laughter.]

The following is from Mr. Bayard Clarke, a member of Congress from New-York, a prominent Know-Nothing and an ardent supporter of Mr. Fillmore:

"Some have wondered that a certain class of our naturalized citizens should be found sustaining the Cincinnati platform, and the Presidential candidate who has merged his individuality in that platform, while another class sustain the platform of freedom in opposition to the aggressions of slavery. But to me there is no mystery in all this. It only illustrates the natural affinity of Jesuitism with slavery. That part of our foreign born population who support Mr. Buchanan are, with a few exceptions, the subjects of the Roman hierarchy, and consequently friendly to the *Compotic principle*, of which slavery is a logical necessity. On the contrary, the foreign born voters who oppose the extension of slavery, with the platform and candidate of the Cincinnati convention, are

generally a more intelligent class of citizens, owing no allegiance to Rome, and disdaining all alliance with the slave power, which degrades labor, and despises the laborer. The former are Catholics, the latter Protestants. Of course there are exceptions in both cases, but this classification will be found generally correct, and the explanation of the fact will also be found in the natural affinity of one despotic system with another. Said I not rightly that Protestantism is significant of all that contributes to the elevation, the progress, and freedom of our race? As a Protestant I can do no less, then, than oppose the aggressions of the slave-power; and when I find Jesuitism allying itself with that power, and striving to secure the success of its platform and its candidate, I cannot fail to remark, that consistency demands from all who love the Protestant principle, opposition to the usurpations of slavery, no less than relentless hostility to the aggressions of popery. They are TWIN DEMONS; and, God helping me, I am resolved, within the limits of constitutional action, to give no quarter to either."

The New Albany Tribune, the leading Fillmore paper in Indiana, has the following ticket at the head of its columns:

FOR PRESIDENT, MILLARD FILLMORE.

FOR VICE PRESIDENT, A. J. DONELSON.

### *Electors for the State at large.*

George G. Dunn, of Lawrence county,

Andrew L. Osborne, of Laporte.

### *District Electors.*

1. James G. Jones, of Vanderburg.

2. David T. Laird, of Perry.

3. John Baker, of Lawrence.

4. William E. White, of Dearborne.

5. Fred. Johnsonbough, of Wayne.

6. Henry H. Bradley, of Johnson.

7. William K. Edwards, of Vigo.

8. James Prather, of Montgomery.

9. Thomas S. Stanfield, of St. Joseph.

10. John B. How, of Langrange.

11. William R. Hale, of Wabash.

The same paper contains the following:

### COALITION BETWEEN FILLMORE AND FREMONT.

The Fillmore State Convention of Indiana have just united with the Fremont or Black Republican party, by nominating the same Electoral ticket for the State. If any of our Democratic friends have been feeding themselves up with the hope of a division among the American and Republican parties, upon the State ticket, they would do well to give that hope up as utterly futile.

The fusion of the parties for the Presidency is now complete, which seals the fate of Buchanan Democracy in Indiana.

The friends of Mr. Fillmore should now go to work to secure a majority of the popular vote of the State of Indiana for him; if they see the Electoral vote will be cast for him. *Let there be no fusion of Fillmore and Fremont, because their cause is one cause* each be directed against Buchanan, and we will have a better government.

*Let there be no fusion of Fillmore and Fremont, because their cause is one cause* secure a majority of the popular vote of the State of Indiana for him; if they see the Electoral vote will be cast for him. *Let there be no fusion of Fillmore and Fremont, because their cause is one cause* the energies of the friends of more slave soil to curse our government.

The Huntington (Indiana) Gazette, a Fremont paper, has the same Electoral ticket in its columns, headed as follows:

FOR PRESIDENT, JOHN C. FREMONT, of New York.

FOR VICE PRESIDENT, W. L. DAYTON, of New Jersey.

### MORE FUSION.

The Gazette published at Mauch Chunk, Pennsylvania, has the following ticket at its head:

## WHIG, AMERICAN AND REPUBLICAN UNION TICKET.

FOR CANAL COMMISSIONER, THOMAS E. COCHRAN, of York County.

FOR AUDITOR GENERAL, D. ERWIN PHELPS, of Armstrong county.

FOR SURVEYOR GENERAL, BARTHOLOMEW LAPORTE, of Bradford county.

## IS NOT THE FUSION COMPLETE?

The Eagle, a Fillmore paper published at Newark, New Jersey, has the following caption to the American platform adopted at Philadelphia, February 21, 1856:

THE PLATFORM MR. FILLMORE ENDORSES AND STANDS ON!

AMERICA FOR AMERICANS, AND OPPOSITION TO THE REPEAL OF THE MISSOURI COMPROMISE.

## AMERICANISM AT THE NORTH.

### THE KNOW-NOTHING PLATFORM OF THE STATE OF MAINE.

BANGOR, February 1st, 1855.

"Resolved, That the Declaration of Independence, the tone and tenor of the constitution, the ordinance of 1787, the words and deeds of the founders of this republic, all indicate that our forefathers intended that slavery be sectional, not national—temporary, not permanent.

"Resolved, That native-Americanism, anti-slavery, and temperance are the foundation stones of our order, equally deserving our consideration; and that before giving our political support to any man, for any office, we will imperatively demand his entire commitment in favor of these great and cardinal principles.

"Resolved, That we solemnly protest against the repeal of the Missouri Compromise, the passage of the Nebraska-Kansas bill, and the fugitive slave law, as violations of the rights of the free States, and tending to the destruction of the free institutions of our country."

### KNOW-NOTHING PARTY OF NEW HAMPSHIRE ON SLAVERY.

"Resolved, That the Declaration of Independence, the tones and deeds of the founders of this republic, all indicate that our forefathers intended that slavery should be sectional, not national—temporary, not permanent.

"Resolved, That as a political party pledged to regard and watch over the best interests of the whole Union, and to labor for its integrity and perpetuity we solemnly protest against the repeal of the Missouri Compromise, the Kansas and Nebraska bill, and the fugitive slave law, as violating the spirit of the Constitution, and tending to the destruction of the free institutions of the country.

"Resolved, That we never will, under any circumstances, consent to the admission of slavery into any portion of the territory embraced in the compact of 1820, and from which it was then excluded by the mutual agreement of both the northern and southern States."

### MR. FILLMORE IN FAVOR OF ALIEN SUFFRAGE.

Mr. Fillmore signed the Washington Territorial bill in 1853. That bill gives aliens the right of suffrage.

### WASHINGTON TERRITORY.

"Every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office at all subsequent elections, shall be such as shall be pre-

scribed by the Legislative Assembly: *Provided*, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act.

## THE STATES, AND NOT CONGRESS, HAVE ALONE THE RIGHT TO REGULATE SUFFRAGE WITHIN THEIR RESPECTIVE LIMITS.

The Know-Nothing orators clamor about aliens voting in some of the states. They promised the people if they were elevated to power that they would stop it. Have any of them attempted to do it in Congress? No! Why? Because they know Congress has no power over the subject. Congress can make a man a citizen of the United States, but not a voter in the states, nor can it take from him the right of voting therein. The states have the controlling power in that respect. Thus Virginia years since prescribed in her constitution that a man without a property qualification could not vote. The man thus prescribed was a citizen of the United States. Such citizenship it will thus be seen did not give him the right to vote. Virginia controlled that matter and decided that he should not vote. This fact is merely cited as an illustration.

## FOREIGN PAUPERS AND CONVICTS.

Alabama, California, Delaware, Georgia, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont and Virginia, the only states, through the seaports of which foreign paupers and convicts can find access to our shores, have already on their statute books, ample law to prevent the immigration of convicts, and to reimburse those States the damages arising from the support of paupers.

## PROTESTANT EPISCOPAL ENGLAND SATISFIED THAT NO TEMPORAL ALLEGIANCE IS DUE, BY CATHOLICS, TO THE POPE.

The odious Catholic disabilities which existed in Protestant Episcopal England for so many years, were, no doubt, established on account of the idea that Catholics owed a Temporal Allegiance to the Pope. Mr. Pitt, on the part of the British Government, instituted the following inquiries, and received the subjoined answers. The result was that nearly, if not all, of the disabilities were removed by England:

"1. Has the Pope, or cardinal, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England?"

"2. Can the Pope, or cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with his Majesty's subjects, from their oath of allegiance, upon any pretext whatsoever?"

"3. Is there any principle in the tenets of the Catholic faith by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature?"

These questions were sent for answer to the Catholic universities of Paris, of Douay, of Alcala, of Valladolid, and of Salamanca. These several universities are conducted by the most learned men of Europe, and they all responded with frankness and promptness to the questions. We have space only

for the answer of one, though we have them all before us, and state that the answers of all are strictly the same. To show what they all answered, we select the response of the University of Paris, as follows:

*Abstract from the answers of the Sacred Faculty of Divinity of Paris to the above queries.*

After an introduction, according to the usual form of the university, they answer the first query by declaring—

Neither the Pope, nor the cardinals, nor any body of men, nor any other person of the Church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever, in any kingdom, and, consequently, none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence by divine institution inherent in, or granted, or by any other means belonging to the Pope, or the Church of Rome. This doctrine the sacred faculty of divinity of Paris has always held, and upon every occasion maintained, and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Answer to second query. Neither the Pope, nor the cardinals, nor any body of men, or any person of the Church of Rome, can, by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

This and the first query are so intimately connected, that the answer of the first immediately and naturally applies to the second, &c.

Answer to the third query. There is no tenet in the Catholic church by which Catholics are justified in not keeping faith with heretics, or those who differ from them in matters of religion. The tenet that it is lawful to break faith with heretics is so repugnant to common honesty and the opinions of Catholics, that there is nothing of which those who have defended the Catholic faith against Protestants have complained more heavily than the malice and calumny of their adversaries in imputing this tenet to them; &c., &c., &c.

Given at Paris, in the general assembly of the Sorbonne, held on Thursday, the 11th day before the calends of March, 1789. [Signed in due form.]

## IDENTITY OF PRINCIPLE BETWEEN HARTFORD CONVENTIONISM AND KNOW NOTHINGISM.

Every one recollects the odious Hartford Convention, held during the War of 1812—a Convention, representing constituencies in the New England States, who opposed their country in that war and hung blue lights out on the coast to enable the ships of the enemy to know the movements of our own gallant navy and conspire the more easily to defeat it. It had its secrecy, like the Know Nothings.

The first resolution read:

*Resolved*, That the most inviolate secrecy shall be observed by each member of this Convention, including the Secretary, as to all propositions, debate, and proceedings thereof, until this injunction shall be suspended or altered.

A part of its platform, like that of the Know Nothings, proscribed naturalized citizens.

### ONE OF THE RESOLUTIONS OF THE HARTFORD CONVENTION.

*Resolved*, That no person who shall hereafter be naturalized shall be eligible as a member of the Senate or House of Representatives of the United States, nor capable of holding any civil office under authority of the United States.

### THIRD ARTICLE OF THE KNOW NOTHING PLATFORM OF 1856.

3. *Americans must rule America*; and, to this end, native-born citizens should be selected for all State, Federal, and municipal offices, or government employment, in preference to naturalized citizens.

## THE BIBLE VS. KNOW NOTHINGISM.

"If a stranger sojourn with thee in your land, ye shall not vex him; but the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself, for ye were strangers in the land of Egypt. I am the Lord your God.—Book of Leviticus, 19th chapter, 33d and 34th verses.

## GEORGE III, A KNOW-NOTHING.

Amongst the counts in that grand indictment framed by our Revolutionary fathers—the Declaration of Independence, is one charging his Royal highness with the infliction upon the American Colonies of one of the very abuses now sought to be engrafted upon the policy of the country by the Know-Nothing party. Read from that Declaration of Independence with what emphasis they rebuked the Know-Nothingism of that Royal tyrant.

“He has endeavored to prevent the population of these States; for that purpose obstructing the laws for the naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of land.”

## PRINCIPLE OF THE NATURALIZATION LAWS VINDICATED BY THE WAR OF 1812.

In a paragraph preceding this we show the identity of principle between Know-Nothingism and Hartford Conventionism. The Hartford Conventionists opposed the war of 1812. The war of 1812 was fought by this country for the reason that England denied the right of a man born under her flag to swear away his allegiance to her Government and become a citizen of the United States. Denying this right she attempted to search our vessels, take from them those in the service of the United States who were born under English dominion. War was the result. Victory for our arms ended the contest. The basis principle of the naturalization laws was vindicated. The Know-Nothings are endeavoring to destroy these laws, with the halo of the glory of the revolution and the war of 1812 thrown around them. Think of this and read the following paragraph:

### FOREIGN INFLUENCE.

It was against this kind of foreign influence that Washington advised his countrymen when he said:

“Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake.”

Washington was not thinking of the poor emigrant, but of influence like the following, which appeared in the London Chronicle, one of Victoria's organs, in reference to our Presidential contest:

“We should be sorry to see Mr. Buchanan elected, because he is in favor of preserving the obnoxious institutions, as they exist, **AND THE UNITY OF THE STATES.** There is no safety for European monarchical governments, if the progressive spirit of the Democracy of the United States is allowed to succeed. **ELECT FREMONT AND THE FIRST BLOW TO THE SEPARATION OF THE UNITED STATES IS EFFECTED!**”

## ANTAGONISM BETWEEN THE OATH OF THE KNOW NOTHINGS AND THE CONSTITUTION OF THE UNITED STATES.

### CONSTITUTION OF THE UNITED STATES.

Art. VI.—“No religious test shall ever be required as a qualification to any office of public trust under this government.”

### KNOW NOTHING CONSTITUTION.

Art. III.—“The object of this organization shall be to resist the insidious policy of the Church of Rome, and other foreign influence against the institutions of the country, *by placing in all offices in the gift of the people, or by appointment, none but native born PROTESTANT citizens.*”

Compare it also with the act of religious toleration in the Constitution of Virginia, penned by Thomas Jefferson, the authorship of which is his epitaph on his tombstone:

16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction—not by force or violence; and therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practise christian forbearance, love, and charity towards each other.

#### KNOW NOTHING OATH.

"You furthermore promise and declare that you will not vote nor give your influence for any man for any office in the gift of the people, unless he be an American born citizen, in favor of Americans ruling America, *nor if he be a Roman Catholic.*"

Again: "You solemnly and sincerely swear that, if it may be done legally, you will, when elected to any office, remove all foreigners and Roman Catholics from office, and that you will in no case appoint such to office."

### PROSCRIPTION OF ONE RELIGIOUS SECT WILL LEAD EVENTUALLY TO THE PROSCRIPTION IN TURN OF ALL.

The following, says the Trenton True American, is taken from a pamphlet written by a member of one of the American orders to prove that the Methodist Church ought not to be tolerated in a free country.

Recollect Methodists that this is from one of a faction that is endeavoring to get your aid to proscribe your Catholic fellow citizens.

"But again—the very organization of the Methodist Episcopal Church is dangerous to the liberties of a free people. Suppose a crisis to arrive in political action, in which the hierarchy of the Methodist Church is interested. From the dependence of all the parts on one great central power, it is easy to perceive how the suffrages of most of the members may be controlled by the bishops. Let the bishop suggest to the presiding elders that the interests of their ecclesiastical despotism will be subserved by the election of a certain set of men to office; the presiding elders use their influence over the preachers, the preachers over the class leaders, and the class leaders over their class members, and thus the balance of power in a political contest may rest in the hands of seven EPISCOPAL METHODIST BISHOPS. There is as much danger of this, as there is of Romanism accomplishing a similar result; provided the occasion requires it. It may be said that the members of the Methodist Episcopal Church are too independent to be thus influenced; but, while they submit to the degradation to which I have shown they are subjected in Church matters, let them not speak of independence in political matters. Let them become ecclesiastically free, and then it may be hoped that they would dare to become politically free if the bishops undertook to prevent it.

"I have thus briefly shown that Episcopal Methodism is anti-American in its spirit and tendency, and that it is a dangerous foe to republicanism. I have shown that it had its origin in *usurpation*—that its very organization provides for the support and extension of *assumed power*, and that this power may be *oppressively exercised without restriction*. I have shown that Methodist Episcopacy contains in itself the very elements of an *absolute despotism*, and therefore must ultimately, unless checked, subvert and destroy our republican institutions.

### A KNOW-NOTHING MAYOR vs. THE CONSTITUTION.

The Constitution says:

"SEC. II.—ARTICLE III.—No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation

therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due."

Here is what a Know-Nothing Mayor, whose election was hailed in every section, even in the South, as a great American triumph, said:

"MAYOR'S OFFICE, PHILA., MARCH 6, 1835.

"MR. SAMUEL JOHNSON—DEAR SIR: *With the kindest feelings for you personally, and with great respect for your character as an officer, it is proper that I should inform you that if you act as the agent of Louisiana to return Warwick, charged with encouraging the escape of a fugitive slave to that State, I will consider it my duty to discharge you immediately from the police force of this city.*

"Yours, respectfully,

R. T. CONRAD, Mayor."

### KENNETH RAYNER.

No man in the country pretends to be more afraid of the Pope, at this time than Kenneth Rayner. He is his terror by day as well as by night. A Catholic, to his eyes, is a monstrum horrendum. He wants legislation against Catholics, although he knows that it is neither practicable or constitutional to do it. But let us exhibit the humbuggery of Know-Nothingism, by showing when Rayner had it in his hands to move to oppress them, what he then said. In the Constitutional Convention of North Carolina, in 1835, he, the said Rayner, thus spoke:

"I do not conceive that we have anything to do with the tenets of any particular creed. We have not to decide between the merits of contending sects. We have not to inquire whether the Pope of Rome is the legal custodian of the Keys of Christ's Kingdom, or whether, (according to the opinion of some,) he is the many-headed monster mentioned in the Apocalypse.

"But it is said, if the Catholic is excluded from office, that will not deprive him of the right of worshipping God according to the dictates of his own conscience. Sir, the right of worshipping God free from all personal pains and penalties, is a right which can now be enjoyed in any country in Christendom. An exclusion from the honors, the profits, and the emoluments of the State, is the highest persecution which public opinion will tolerate in any Christian country in this enlightened age. So that if you sanction the principle recognized in the 32d Article, you use the rod of persecution with as unsparring a hand as it is used in Spain, or the States of the Church. And if you exclude one sect, why not another and another, and finally all, except one?

"Retain that Article, and I assert it, the Catholic and Jew will be placed under the ban of proscription, no matter how great may be his merit; although he may love his country with a patriotism as pure as the first love of woman; although he may pour out his blood like water in her defence; yet, for daring to 'worship God according to the dictates of his own conscience,' you cut him off from all hope of political preferment and from all stimulus to ambition. Like the Israelites in Egypt, he will be oppressed by the land in which he lives, the soil on which he treads, and like them, he will have left no other resource but to turn back upon the graves of his fathers, and take up his march to a more tolerant clime. Sir, the exclusion from office for opinion's sake, in this enlightened age, proceeds from the same spirit of bigotry and superstition which has preyed upon mankind from the building of Babel to the present time."

Mr. Rayner concludes his defence of the Catholics in the following manner:

"Sir, is this convention ready to incorporate into our fundamental law the doctrine, that 'honesty, capability, and faithfulness to the Constitution,' is not a sufficient qualification for office, but that he who obtains it must abjure a certain particular faith? Sir, who constituted us judges of the hearts and consciences of men? What right have we to impugn the motives of our fellow men? It is asserting one of the attributes of the Deity himself, for it is the Lord alone that pondereth the heart. Sir, you may carry on this system of persecution, but there is one point beyond which you cannot go. You may subject the body to privation and torture, but you cannot fetter the mind—fettters cannot bind it—tyrants cannot enchain it—dungeons cannot confine it—it will rise superior to the powers of fate, and aspire to Him who gave it."

For the correctness of the quotation (says the Fayetteville Carolinian) we refer the reader to the Debates of the Convention of 1835, pages 262-3-4.

Mr. Alex. H. H. Stuart, one of the Know-Nothing Electors in the State of Virginia, who was Secretary of the Interior under the administration of Mr. Fillmore, thus endeavored to blarney our Irish Fellow Citizens, when he was in hopes that his Master my Lord Fillmore would be the Whig nominee and would like to have their votes.

WASHINGTON, March 13, 1852.

Gentlemen:—I have been favored with the receipt of your invitation to attend a public dinner to be given in the city of Philadelphia on the 17th inst., in celebration of the anniversary of St. Patrick's day."

The occasion is an interesting one, and there is no portion of our citizens whom it would give me greater pleasure to meet around the social board. I have always regarded it as a happy omen of the perpetuity of our Government, that so large a portion of the emigration to our shores is of the Irish race—kindred to ourselves—and who so readily become incorporated with us. *I have been struck with the facility with which they adapt themselves to our institutions, rightly entering into their scope and spirit—becoming, in a word, thoroughly Americanized.* And I feel assured that, while the approaching festival will naturally call up hallowed recollections of old Erin, it will be with hearts full of attachments and devotion to the home of their adoption, and with sentiments that will do honor to the character of American citizens.

Regretting that official engagements will forbid my acceptance of your kind invitation, and wishing you all joy on this festive occasion. I am, very respectfully,

Your obedient servant,

ALEX. H. H. STUART.

## EXTRACT FROM THE WILL OF GENERAL JACKSON.

*"I bequeath to my well-beloved nephew, Andrew J. Donelson, son of Samuel Donelson, deceased, the elegant sword presented to me by the State of Tennessee with this injunction, that he fail not to use it when necessary in support and protection of our glorious Union, and for the protection of the Constitutional rights of our beloved country, should they be assailed by foreign or domestic traitors."*

Where was this sword and its owner during the Mexican War?

## HUMPHREY MARSHALL AND FREMONT.

The Loudoun, Va., Democratic Mirror, speaking of a speech made by Humphrey Marshall, at Leesburg, recently, says:

"He was also very severe upon Mr. Buchanan, charged him with being the squatter sovereignty candidate of the North, and declared that he would as leave see John C. Fremont, or the Devil himself made President as James Buchanan."

## PRENTICE AN ABOLITIONIST.

In 1829, Prentice was the editor of a paper called the Weekly Review, printed at Hartford, Connecticut, and on the 27th of July, of that year, he published the following editorial in that paper. Read it slaveholders:

"The purchase of Texas must be opposed. Every man who does not wish to see the power of the Northern and Western States depart forever: every man who does not wish to see a dozen new slave States added to the Union, and to hear the cries of additional millions of wretched negroes going up to meet the Lord in the air and imprecate vengeance upon our land, will oppose the purchase of Texas with a deep and irresistible determination.

## LAST BALLOT FOR SPEAKER OF THE HOUSE OF REPRESENTATIVES, 34TH CONGRESS

On the 2d day of February, 1856, the House adopted a resolution, that on the third ballot, who ever received the highest plurality should be the Speaker. The third ballot resulted in the choice of Mr. Banks. It was as follows:

Nathaniel P. Banks received.....	103
William Aiken.....	100
Heary M. Fuller.....	6
Lewis D. Campbell.....	4
Daniel Wells.....	1

The following is the vote in detail:

*For Mr. Banks*—Messrs. Albright, Allison, Ball, Barbour, Heary Bennett, Benson, Billingham, Bingham, Bishop, Bliss, Bradshaw, Brenton, Buffington, Burlingame, Jas. H. Campbell, Lewis D. Campbell, Chaffee, Ezra Clark, Clawson, Colfax, Comins, Covode, Cragin, Cumbach, Damrell, Timothy Davis, Day, Dean, De Witt, Dick, Dickson, Dodd, Durfee, Edie, Flagler, Galloway, Giddings, Gilbert, Granger, Grow, Robert B. Hall, Harlan, Holloway, Thomas R. Horton, Howard, Kelsey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Leiter, Mace, Matteson, McCarty, Mencham, Killian Miller, Morgan, Morrill, Mott, Murray, Nichols, Norton, Andrew Oliver, Parker, Pearce, Pelton, Pennington, Perry, Pettit, Pike, Pringle, Purviance, Ritchie, Robbins, Roberts, Robison, Sabin, Sage, Sepp, Sherman, Simmons, Spinner, Stanton, Stranahan, Tappan, Thorington, Thurston, Todd, Trafton, Tyson, Wade, Walbridge, Waldron, Calwalader C. Washburne, Elihu B. Washburne, Israel Washburn, Watson, Welch, Wood, Woodruff, and Woodworth.

*For Mr. Aiken*—Messrs. Allen, Barksdale, Bell, Hendley S. Bennett, Bocoek, Bowie, Boyce, Branch, Brooks, Burnett, Cadwalader, John P. Campbell, Carlisle, Caruthers, Caskie, Clingman, Howell Cobb, Williamson R. W. Cobb, Cox, Crawford, Davidson, Denver, Dowdell, Edmundson, Elliott, English, Etheridge, Eustis, Evans, Faulkner, Florence, Foster, Thomas J. D. Fuller, Goode, Greenwood, Augustus Hall, J. Morrison Harris, Sampson W. Harris, Thomas L. Harris, Herbert, Hoffman, Houston, Jewett, George W. Jones, J. Glancy Jones, Keitt, Kelly, Kennett, Kidwell, Lake, Letcher, Lindley, Lumpkin, Alexander K. Marshall, Humphrey Marshall, Samuel S. Marshall, Maxwell, McMullin, McQueen, Smith Miller, Millson, Mordecai, Oliver, Orr, Paine, Peck, Phelps, Porter, Powell, Puryear, Quitman, Reade, Ready, Ricaud, Rivers, Ruffin, Rust, Sandidge, Savage, Shorter, Samuel A. Smith, William Smith, William R. Smith, Sneed, Stephens, Stewart, Swope, Talbott, Trippe, Underwood, Vail, Walker, Warner, Watkins, Wells, Wheeler, Williams, Winslow, Daniel B. Wright, John V. Wright, and Zollicoffer.

*For Mr. Fuller*—Messrs. Broom, Bayard Clark, Cullen, Henry Winter Davis, Millward, and Whitney.

*For Mr. Campbell*—Messrs. Dana, Harrison, Moore, and Scott.

*For Mr. Wells*—Mr. Hickman.

Messrs. Broom, Clarke, Fuller, Whitney, and Richardson who voted for Mr. Aiken the day before, did not vote for him on the last ballot. Messrs. Broome, Clarke, and Whitney voted for Mr. Fuller. Mr. Fuller was in the Hall and did not vote. It was stated that he had paired off with Mr. Barclay, who was also in the Hall. This Mr. Barclay denies. Messrs. Faulkner, Alexander K. Marshall, and Keitt, who were not present the day before voted for Mr. Aiken then. Mr. Richardson had to resume a pair with Mr. Emrie, of Ohio, which Mr. Faulkner had temporarily taken off his hands.

# LAST DAY OF THE CALLED SESSION.

(From the Daily Globe.)

SATURDAY, AUGUST 30, 1856.

In the *House of Representatives* Mr. CAMPBELL, of Ohio, by leave, reported from the Ways and Means Committee another Army appropriation bill, with the proviso, that no part of the military of the United States, for the support of which appropriations are made by this act, shall be employed in aid of the enforcement of any enactment of the body claiming to be the Territorial Legislature of Kansas.

The previous question was seconded, and under the operation thereof, the bill was read a third time and passed, by the following vote:

**YEAS.**—Messrs. Albright, Allison, Barbour, Barclay, Henry Bennett, Benson, Billinghurst, Bingham, Bliss, Bradshaw, Brenton, Buffington, James H. Campbell, Lewis D. Campbell, Chaffee, Ezra Clark, Clawson, Colfax, Comins, Covode, Cragin, Cumbach, Damrell, Henry Winter Davis, Timothy Davis, Dean, De Witt, Dick, Dickson, Dodd, Durfee, Edie, Edwards, Emrie, Flagler, Galloway, Giddings, Gilbert, Granger, Grow, Harlan, Haven, Holloway, Thomas R. Horton, Howard, Hughston, Keisey, King, Knapp, Knight, Knowlton, Kuox, Kunkel, Leiter, Matteson, McCarty, Morgan, Morrill, Mott, Murray, Norton, Andrew Oliver, Parker, Pelton, Pettit, Pike, Pringle, Purviance, Ritchie, Robbins, Roberts, Robison, Sabin, Sage, Sapp, Scott, Sherman, Simmons, Spinner, Stranahan, Tappan, Thorington, Thruston, Todd, Trafton, Tyson, Wade, Wakeman, Walbridge, Waldron, Cadwalader C. Washburne, Elihu E. Washburne, Israel Washburne, Welch, Wells, Williams, Wood, Woodruff, and Woodworth—99.

**NAYS.**—Messrs. Aiken, Akers, Barksdale, Bell, Hendley S. Bennett, Boeock, Bowie, Boyce, Branch, Burnett, Cadwalader, John P. Campbell, Carlile, Caskie, Clingman, Howell Cobb, Williamson B. W. Cobb, Cox, Craige, Crawford, Cullen, Dowdell, Dunn, Edmundson, Elliott, Etheridge, Florence, Thomas J. D. Fuller, Goode, Greenwood, Augustus Hall, J. Morrison Harris, Sampson W. Harris, Thomas L. Harris, Harrison, Hickman, Hoffman, Houston, Jewett, George W. Jones, J. Glancy Jones, Kennett, Kidwell, Lake, Letcher, Lumpkin, Mace, Alexander K. Marshall, Humphrey Marshall, Maxwell, McMullin, McQueen, Smith Miller, Millson, Mordecai Oliver, Orr, Pennington, Phelps, Powell, Puryear, Quitman, Ricaud, Rivers, Ruffin, Rust, Shorter, William Smith, William R. Smith, Stanton, Stewart, Talbott, Vail, Walker, Warner, Wheeler, Daniel B. Wright, and John V. Wright—77.

In the *Senate*, the bill having been taken up for consideration, Mr. HUNTER moved that the Kansas proviso be stricken out of the bill, which was agreed to by the following vote:

**YEAS.**—Messrs. Adams, Allen, Bayard, Bell of Tennessee, Bright, Brodhead, Brown, Butler, Cass, Clay, Crittenden, Douglas, Geyer, Houston, Hunter, Iverson, Johnson, Jones of Tennessee, Mason, Pratt, Pugh, Reid, Thompson of Kentucky, Toucey, Weller, and Wright—26.

**NAYS.**—Messrs. Durkee, Foot, Foster, Harlan, Trumbull, Wade, and Wilson—7.

The vote in the Senate on the passage of the bill as amended, was the same as the last except one less in the affirmative, Mr. Bell of Tennessee, who voted on the previous vote being absent.

## IN THE HOUSE.

A message having been received from the Senate, announcing that that body had passed the Army appropriation bill with an amendment striking out the Kansas proviso, the House proceeded to consider the amendment; when it was agreed to by the following vote:

**YEAS.**—Messrs. Aiken, Akers, Barksdale, Bell, Bennett of Mississippi, Boeock, Bowie, Boyce, Branch, Burnett, Cadwalader, Campbell of Kentucky, Carlile, Caskie, Clingman, Cobb of Georgia, Cobb of Alabama, Cox, Craige, Crawford, Cullen, Davidson, Davis of Maryland, Denver, Dowdell, Edmundson, Elliot, Etheridge, Eustis, Evans, Faulkner, Florence, Fuller of Maine, Goode, Greenwood, Hall of Iowa, Harris of Maryland, Harris

of Alabama, Harris of Illinois, Harrison, Haven, Hickman, Hoffman, Houston, Jewett, Jones of Tennessee, Jones of Pennsylvania, Keitt, Kolly, Kennett, Kidwell, Lako, Letcher, Lumpkin, A. K. Marshall of Kentucky, H. Marshall of Kentucky, Marshall of Illinois, Maxwell, McMullin, McQueen, Miller of Indiana, Milson, Oliver of Missouri, Orr, Packer, Pock, Phelps, Porter, Powell, Puryear, Quitman, Ricaud, Rivers, Ruffin, Rust, Sandidge, Savage, Seward, Shorter, Smith of Tennessee, Smith of Virginia, Smith of Alabama, Sneed, Stephens, Stewart, Swope, Talbott, Taylor, Tyson, Underwood, Vail, Walker, Warner, Wolla, Wheeler, Whitney, Williams, Winslow, Wright of Mississippi, Wright of Tennessee, and Zolicoffer—101.

NAYS —Messrs. Allbright, Allison, Barbour, Barclay, Bennott of New York, Benson, Billingham, Bingham, Bliss, Bradshaw, Brenton, Buffington, Campbell of Pennsylvania, Campbell of Ohio, Chaffee, Clark of Connecticut, Clawson, Colfax, Comins, Covode, Cragin, Cumback, Damrell, Davis of Massachusetts, Dean, DeWitt, Dick, Dickson, Dodd, Dunn, Durfoe, Edie, Edwards, Emrie, Flagler, Galloway, Giddings, Gilbert, Granger, Grow, Harlan, Holloway, Horton of New York, Howard, Hughston, Kelsey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Leiter, Mace, Matteson, McCarty, Morgan, Morrill, Mott, Murray, Norton, Oliver of New York, Parker, Pelton, Pennington, Pettit, Pike, Pringle, Purviance, Ritchie, Robbins, Roberts, Robinson, Sabin, Sage, Sapp, Scott, Sherman, Simmons, Spinner, Stanton, Stranahan, Tappan, Thorington, Thurston, Todd, Trafton, Wade, Wakeman, Walbridge, Waldron, Washburne of Wisconsin, Washburne of Illinois, Washburne of Maine, Welch, Wood, Woodruff, and Woodworth—98.

Mr. Whitney, of New-York, now that the Army bill had passed, asked leave to bring in a bill repealing the obnoxious laws in Kansas. Mr. Washburne, of Illinois, and other Republicans objected, so leave was not granted.

### ELECTORAL VOTE OF STATES.

Maine	-	-	-	-	-	-	-	8	Alabama	-	-	-	-	-	-	-	9
New Hampshire	-	-	-	-	-	-	-	5	Mississippi	-	-	-	-	-	-	-	7
Vermont	-	-	-	-	-	-	-	5	Louisiana	-	-	-	-	-	-	-	6
Massachusetts	-	-	-	-	-	-	-	13	Arkansas	-	-	-	-	-	-	-	4
Rhode Island	-	-	-	-	-	-	-	4	Texas	-	-	-	-	-	-	-	4
Connecticut	-	-	-	-	-	-	-	6	Missouri	-	-	-	-	-	-	-	9
New York	-	-	-	-	-	-	-	35	Kentucky	-	-	-	-	-	-	-	12
Pennsylvania	-	-	-	-	-	-	-	27	Tennessee	-	-	-	-	-	-	-	12
New Jersey	-	-	-	-	-	-	-	7	Iowa	-	-	-	-	-	-	-	4
Delaware	-	-	-	-	-	-	-	3	Illinoise	-	-	-	-	-	-	-	11
Maryland	-	-	-	-	-	-	-	8	Indiana	-	-	-	-	-	-	-	13
Virginia	-	-	-	-	-	-	-	15	Ohio	-	-	-	-	-	-	-	23
North Carolina	-	-	-	-	-	-	-	10	Michigan	-	-	-	-	-	-	-	6
South Carolina	-	-	-	-	-	-	-	8	Wisconsin	-	-	-	-	-	-	-	5
Georgia	-	-	-	-	-	-	-	10	California	-	-	-	-	-	-	-	4
Florida	-	-	-	-	-	-	-	3									

## VIRGINIA RESOLUTIONS OF 1798,

PRONOUNCING THE ALIEN AND SEDITION LAWS TO BE UNCONSTITUTIONAL, AND DEFINING THE RIGHTS OF THE STATES.—DRAWN BY MR. MADISON.

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IN THE VIRGINIA HOUSE OF DELEGATES,

*Friday, Dec. 21, 1798.*

*Resolved,* That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression either foreign or domestic; and that they will support the Government of the United States in all measures warranted by the former.

That this Assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges its powers; and, that for this end, it is their duty to watch over and *oppose every infraction of those principles which constitute the only basis of that Union*, because a faithful observance of them can alone secure its existence and the public happiness.

That this Assembly doth explicitly and peremptorily declare, THAT IT VIEWS THE POWERS OF THE FEDERAL GOVERNMENT, AS RESULTING FROM THE COMPACT TO WHICH THE STATES ARE PARTIES, AS LIMITED BY THE PLAIN SENSE AND INTENTION OF THE INSTRUMENT CONSTITUTING THAT COMPACT, AS NO FARTHER VALID THAN THEY ARE AUTHORIZED BY THE GRANTS ENUMERATED IN THAT COMPACT; AND THAT IN CASE OF A DELIBERATE, PALPABLE, AND DANGEROUS EXERCISE OF OTHER POWERS, NOT GRANTED BY THE SAID COMPACT, THE STATES, WHO ARE PARTIES THERETO, HAVE THE RIGHT, AND ARE IN DUTY BOUND, TO INTERPOSE, FOR ARRESTING THE PROGRESS OF THE EVIL, AND FOR MAINTAINING WITHIN THEIR RESPECTIVE LIMITS THE AUTHORITIES, RIGHTS, AND LIBERTIES APPERTAINING TO THEM.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them;

and, that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration which necessarily explains, and limits the general phrases, and so as to CONSOLIDATE THE STATES BY DEGREES INTO ONE SOVEREIGNTY, THE OBVIOUS TENDENCY AND INEVITABLE RESULT OF WHICH WOULD BE, TO TRANSFORM THE PRESENT REPUBLICAN SYSTEM OF THE UNITED STATES INTO AN ABSOLUTE, OR AT BEST, A MIXED MONARCHY.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the "Alien and Sedition Acts," passed at the last session of Congress; the first of which, exercises a power no where delegated to the Federal Government, and which, by uniting Legislative and Judicial powers to those of Executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which acts exercises, in like manner, a power not delegated by the Constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm, because it is levelled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

That this State having by its Convention, which ratified the Federal Constitution, expressly declared, that among other essential rights, "the liberty of conscience and the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with other States recommended an amendment for that purpose, which amendment was, in due time, annexed to the Constitution, it would mark a reproachful inconsistency, and criminal degeneracy, if an indifference were now shown to the most palpable violation of one of the rights, thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this Commonwealth, having ever felt, and continuing to feel the most sincere affection for their brethren of the other States; the truest anxiety for establishing

and perpetuating the union of all; and the most scrupulous fidelity to that Constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions in the other States, in confidence, that they will concur with this Commonwealth, in declaring, as it does hereby declare, that the acts aforesaid are UNCONSTITUTIONAL; and, that the necessary and proper measures will be taken *by each* for co-operating with this State, in maintaining unimpaired the authorities, rights, and liberties, reserved to the States, respectively, or to the people.

That the Governor be desired to transmit a copy of the foregoing resolutions to the Executive authority of each of the other States, with a request, that the same may be communicated to the Legislature thereof; and that a copy be furnished to each of the Senators and Representatives representing this State in the Congress of the United States.

Attest,

JOHN STEWART.

1798, December 24th. Agreed to by the Senate.

H. BROOKE.

A true copy from the original deposited in the office of the General Assembly.

JOHN STEWART, Keeper of Rolls.

### EXTRACTS

*From the Address to the People, which accompanied the foregoing Resolutions.*

FELLOW CITIZENS—Unwilling to shrink from our representative responsibility, conscious of the purity of our motives, but acknowledging your right to supervise our conduct, we invite your serious attention to the emergency which dictated the subjoined resolutions. Whilst we disdain to alarm you by ill-founded jealousies, we recommended an investigation, guided by the coolness of wisdom, and a decision bottomed on firmness but tempered with moderation.

It would be perfidious in those entrusted with the GUARDIANSHIP OF THE STATE SOVEREIGNTY, and acting under the solemn obligation of the following oath: "I do swear, that I will support the Constitution of the United States," not to warn you of encroachments, which, though clothed with the pretext of necessity, or disguised by arguments of expediency, may yet

establish precedents, which may ultimately devote a generous and unsuspecting people to all the consequences of usurped power.

Encroachments springing from a government WHOSE ORGANIZATION CANNOT BE MAINTAINED WITHOUT THE CO-OPERATION OF THE STATES, furnish the strongest excitements upon the State Legislatures to watchfulness, and impose upon them the strongest obligation TO PRESERVE UNIMPAIRED THE LINE OF PARTITION.

The acquiescence of the States under *infractions* of the Federal Compact, would either beget a speedy consolidation, by precipitating the State Governments into impotency and contempt; or prepare the way for a revolution, by a repetition of these infractions, until the people are aroused to appear in the majesty of their strength. It is to avoid these calamities, that we exhibit to the people the momentous question, whether the Constitution of the United States shall yield to a construction, which defies every restraint, and overwhelms the best hopes of republicanism.

Exhortations to disregard domestic usurpations, until foreign danger shall have passed, is an artifice which may be forever used; because the possessors of power, who are the advocates for its extension, can ever create national embarrassments, to be successively employed to soothe the people into sleep, whilst that power is swelling, silently, secretly, and fatally. Of the same character are insinuations of a foreign influence, which seize upon a laudable enthusiasm against danger from abroad, and distort it by an unnatural application, so as to blind your eyes against danger at home.

The Sedition act presents a scene, which was never expected by the early friends of the Constitution. It was then admitted that the *State sovereignties were only diminished, by powers specifically enumerated*, or necessary to carry the specified powers into effect. Now Federal authority is deduced from *implication*, and from the existence of State law it is inferred, that Congress possess a similar power of legislation; whence Congress will be endowed with a power of legislation, in all cases whatsoever, and the States will be stript of every right reserved, by the concurrent claims of a paramount Legislature.

The Sedition act is the offspring of these tremendous pretensions, which inflict a death wound on the sovereignty of the States.

For the honor of American understanding, we will not believe, that the people have been allured into the adoption of the Constitution, by an affectation of defining powers, whilst the

*preamble* would admit a construction which would erect the *will of Congress* into a power *paramount in all cases*, and therefore limited in none. On the contrary, it is evident that the objects for which the Constitution was formed were deemed attainable only by a particular enumeration and specification of each power granted to the Federal Government; reserving all others to the people, or to the States. And yet it is in vain we search for any specified power, embracing the right of legislation against the freedom of the press.

Had the States been despoiled of their sovereignty by the generality of the preamble, and had the Federal Government been endowed with whatever they should judge to be instrumental towards union, justice, tranquillity, common defence, general welfare, and the preservation of liberty, nothing could have been more frivolous than an enumeration of powers.

All the preceding arguments rising from a deficiency of constitutional power in Congress, apply to the Alien act, and this act is liable to other objections peculiar to itself. If a suspicion that aliens are dangerous, constitute the justification of that power exercised over them by Congress, then a similar suspicion will justify the exercise of a similar power over natives. Because there is nothing in the Constitution distinguishing between the power of a State to permit the residence of natives and aliens. It is, therefore, a right originally possessed, and never surrendered by the respective States, and which is rendered dear and valuable to Virginia, because it is assailed through the bosom of the Constitution, and because her peculiar situation renders the easy admission of artizans and laborers an interest of vast importance.

But this bill contains other features, still more alarming and dangerous. It dispenses with the trial by jury; it violates the judicial system; it confounds legislative, executive, and judicial powers; it punishes without trial; and it bestows upon the President despotic power over a numerous class of men. Are such measures consistent with our constitutional principles? And will an accumulation of power so extensive, in the hands of the Executive, over aliens, secure to natives the blessings of republican liberty?

If measures can mould Governments, and if an uncontrolled power of construction is surrendered to those who administer them, their progress may be easily foreseen and their end easily foretold. A lover of monarchy, who opens the treasures of corruption, by distributing emolument among devoted partizans, may at the same time be approaching his object, and

deluding the people with professions of republicanism. He may confound monarchy and republicanism, by the art of definition. He may varnish over the dexterity which ambition never fails to display, with the pliancy of language, the seduction of expediency, or the prejudices of the times. And he may come at length to avow, that so extensive a territory as that of the United States can only be governed by the energies of monarchy; that it cannot be defended, except by standing armies; and that it cannot be united, except by consolidation.

Measures have already been adopted, which may lead to these consequences. They consist:

In fiscal systems and arrangements, which keep an host of commercial and wealthy individuals, embodied and obedient, to the mandates of the treasury.

In armies and navies, which will, on the one hand, enlist the tendency of man to pay homage to his fellow creature who can feed or honor him; and on the other, employ the principle of fear, by punishing imaginary insurrections, under the pretext of preventive justice.

In swarms of officers, civil and military, who can inculcate political tenets tending to consolidation and monarchy, both by indulgences and severities; and can act as spies over the free exercise of human reason.

In restraining the freedom of the press, and investing the Executive with legislative, executive, and judicial powers, over a numerous body of men.

And, that we may shorten the catalogue, in *establishing by successive precedents such a mode of construing the Constitution, as will rapidly remove every restraint upon Federal power.*

Let history be consulted; let the man of experience reflect; nay, let the artificers of monarchy be asked, what farther materials they can need for building up their favorite system?

These are solemn, but painful truths; and yet we recommend it to you, not to forget the possibility of danger from without, although danger threatens us from within. Usurpation is indeed dreadful, but against foreign invasion, if that should happen, let us rise with hearts and hands united, and repel the attack, with the zeal of freemen, who will strengthen their title to examine and correct domestic measures, by having defended their country against foreign aggression.

Pledged as we are, fellow-citizens, to these sacred engagements, we yet humbly and fervently implore the Almighty Disposer of Events, to avert from our land war and usurpation, the scourges of mankind; to permit our fields to be cultivated

in peace; to instil into nations the love of friendly intercourse; to suffer our youth to be educated in virtue; and to preserve our morality from the pollution, invariably incident to habits of war; to prevent the laborer and husbandman from being harassed by *taxes* and *imposts*; to remove from ambition the means of disturbing the Commonwealth; to annihilate all pretexts for power afforded by war; to maintain the Constitution; and, to bless our nation with tranquillity, under whose benign influence, we may reach the summit of happiness and glory, to which we are destined by NATURE and NATURE'S GOD.

Attest,

JOHN STEWART, C. H. D.

1799, January 23d.

Agreed to by the Senate.

H. BROOKE, C. S.

A true copy from the original deposited in the office of the General Assembly. JOHN STEWART, Keeper of Rolls.

## ANSWERS OF THE SEVERAL STATE LEGISLATURES.

### STATE OF DELAWARE.

*In the House of Representatives, February 1, 1799.—Resolved,* By the Senate and House of Representatives of the State of Delaware, in General Assembly met, that they consider the resolutions from the State of Virginia as a very unjustifiable interference with the General Government and constituted authorities of the United States, and of dangerous tendency, and therefore not fit subject for the further consideration of the General Assembly.

ISAAC DAVIS, Speaker of the Senate.

STEPHEN LEWIS, Speaker of the H. of Rep's.

Test—JOHN FISHER, C. S.—JOHN CALDWELL, C. H. R.

### STATE OF RHODE ISLAND AND PROVIDENCE-PLANTATIONS.

*In General Assembly, February, A. D. 1799.—Certain Resolutions of the Legislature of Virginia, passed on 21st of December last, being communicated to this Assembly,*

1. *Resolved,* That in the opinion of this Legislature, the second section of third article of the Constitution of the United States in these words, to wit: *The Judicial power shall extend*

## VIRGINIA RESOLUTIONS OF 1798.

*to all cases arising under the laws of the United States, vests in the Federal Courts, exclusively, and in the Supreme Court of the United States, ultimately the authority of deciding on the constitutionality of any act or law of the Congress of the United States.*

2. *Resolved*, That for any State legislature to assume that authority, would be,

1st. Blending together legislative and judicial powers.

2d. Hazarding an interruption of the peace of the States by civil discord, in case of a diversity of opinions among the State legislatures; each State having, in that case, no resort for vindicating its own opinions, but to the strength of its own arm.

3d. Submitting most important questions of law to less competent tribunals: and

4th. An infraction of the Constitution of the United States, expressed in plain terms.

3. *Resolved*, That although for the above reasons, this legislature, in their public capacity, do not feel themselves authorized to consider and decide on the constitutionality of the Sedition and Alien laws (so called:) yet they are called upon by the exigency of this occasion, to declare, that in their private opinions, these laws are within the powers delegated to Congress, and promotive of the welfare of the United States.

4. *Resolved*, That the Governor communicate these resolutions to the supreme executive of the State of Virginia, and at the same time express to him that this legislature cannot contemplate, without extreme concern and regret, the many evil and fatal consequences which may flow from the very unwarrantable resolutions aforesaid, of the legislature of Virginia, passed on the twenty-first day of December last.

A true copy,

SAMUEL EDDY, *Sec'y.*

## COMMONWEALTH OF MASSACHUSETTS.

*In Senate, February 9, 1799.*—The Legislature of Massachusetts having taken into serious consideration the resolutions of the State of Virginia, passed the 21st day of December last, and communicated by his excellency the Governor, relative to certain supposed infractions of the Constitution of the United States, by the government thereof, and being convinced that the Federal Constitution is calculated to promote the happiness, prosperity and safety of the people of these United States, and to maintain that union of the several States, so essential to the

welfare of the whole; and being bound by solemn oath to support and defend that Constitution, feel it unnecessary to make any professions of their attachment to it, or of their firm determination to support it against every aggression, foreign or domestic.

But they deem it their duty solemnly to declare, that while they hold sacred the principle, that consent of the people is the only pure source of just and legitimate power, they cannot admit the right of the State legislatures to denounce the administration of that government to which the people themselves, by a solemn compact, have exclusively committed their national concerns: That, although a liberal and enlightened vigilance among the people is always to be cherished, yet an unreasonable jealousy of the men of their choice, and a recurrence to measures of extremity, upon groundless or trivial pretexts, have a strong tendency to destroy all rational liberty at home, and to deprive the United States of the most essential advantages in their relations abroad: That this legislature are persuaded, that the decision of all cases in law and equity, arising under the Constitution of the United States, and the construction of all laws made in pursuance thereof, are exclusively vested by the people in the judicial courts of the United States.

That the people in that solemn compact, which is declared to be the supreme law of the land, have not constituted the State legislatures the judges of the acts or measures of the Federal Government, but have confided to them the power of proposing such amendments of the Constitution, as shall appear to them necessary to the interests, or conformable to the wishes of the people whom they represent.

That by this construction of the Constitution, an amicable and dispassionate remedy is pointed out for any evil which experience may prove to exist, and the peace and prosperity of the United States may be preserved without interruption.

But, should the respectable State of Virginia persist in the assumption of the right to declare the acts of the National Government unconstitutional, and should she oppose successfully her force and will to those of the nation, the Constitution would be reduced to a mere cypher, to the form and pageantry of authority, without the energy of power. Every act of the Federal Government which thwarted the views or checked the ambitious projects of a particular State, or of its leading and influential members, would be the object of opposition and of remonstrance; while the people, convulsed and confused by the conflict between two hostile jurisdictions, enjoying the pro-

tection of neither, would be wearied into a submission to some bold leader, who would establish himself on the ruins of both.

The legislature of Massachusetts, although they do not themselves claim the right, nor admit the authority of any of the State governments, to decide upon the constitutionality of the acts of the Federal Government, still, least their silence should be construed into disapprobation, or at best into a doubt of the constitutionality of the acts referred to by the State of Virginia; and, as the General Assembly of Virginia has called for an expression of their sentiments, do explicitly declare, that they consider the acts of Congress, commonly called "the Alien and Sedition acts," not only constitutional, but expedient and necessary: That the former act respects a description of persons whose rights were not particularly contemplated in the Constitution of the United States, who are entitled only to a temporary protection, while they yield a temporary allegiance; a protection which ought to be withdrawn whenever they become "dangerous to the public safety," or are found guilty of "treasonable machination" against the government: That Congress having been especially entrusted by the people with the general defence of the nation, had not only the right, but were bound to protect it against internal as well as external foes. That the United States, at the time of passing the *act concerning aliens*, were threatened with actual invasion, had been driven by the unjust and ambitious conduct of the French Government into warlike preparations, expensive and burthensome, and had then, within the bosom of the country, thousands of aliens, who, we doubt not, were ready to co-operate in any external attack.

It cannot be seriously believed, that the United States should have waited till the poignard had in fact been plunged. The removal of aliens is the usual preliminary of hostility, and is justified by the invariable usages of nations. Actual hostility had unhappily long been experienced, and a formal declaration of it the government had reason daily to expect. The law, therefore, was just and salutary, and no officer could with so much propriety be entrusted with the execution of it, as the one in whom the Constitution has reposed the executive power of the United States.

The *Sedition act*, so called, is, in the opinion of this legislature, equally defensible. The General Assembly of Virginia, in their resolve under consideration, observe, that when that State by its convention, ratified the Federal Constitution, it expressly declared, "That, among other essential rights, the

liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry or ambition, with other States, recommend an amendment for that purpose: which amendment was, in due time, annexed to the Constitution; but they did not surely expect that the proceedings of their State convention were to explain the amendment adopted by the Union. The words of that amendment, on this subject, are, "Congress shall make no law abridging the freedom of speech or of the press."

The act complained of is no abridgment of the freedom of either. The genuine liberty of speech and the press, is the liberty to utter and publish the truth; but the constitutional right of the citizen to utter and publish the truth, is not to be confounded with the licentiousness in speaking and writing, that is only employed in propagating falsehood and slander. This freedom of the press has been explicitly secured by most, if not all the State constitutions; and of this provision there has been generally but one construction among enlightened men; that it is a security for the rational use and not the abuse of the press; of which the courts of law, the juries and people will judge; this right is not infringed, but confirmed and established by the late act of Congress.

By the Constitution, the legislative, executive and judicial departments of government are ordained and established; and general enumerated powers vested in them respectively, including those which are prohibited to the several States. Certain powers are granted in general terms by the people to their General Government, for the purposes of their safety and protection. The government is not only empowered, but it is made their duty to repel invasions and suppress insurrections; to guarantee to the several States a republican form of government; to protect each State against invasion, and, when applied to, against domestic violence; to hear and decide all cases in law and equity, arising under the Constitution, and under any treaty or law made in pursuance thereof; and all cases of admiralty and maritime jurisdiction, and relating to the law of nations. Whenever, therefore, it becomes necessary to effect any of the objects designated, it is perfectly consonant to all just rules of construction, to infer, that the usual means and powers necessary to the attainment of that object, are also granted: But the Constitution has left no occasion to resort to implication for these powers; it has made an express grant of

them; in the 8th section of the first article, which ordains, "That Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States or in any department or officer thereof."

This Constitution has established a Supreme Court of the United States, but has made no provision for its protection, even against such improper conduct in its presence, as might disturb its proceedings, unless expressed in the section before recited. But as no statute has been passed on this subject, this protection is, and has been for nine years past, uniformly found in the application of the principles and usages of the common law. The same protection may unquestionably be afforded by a statute passed in virtue of the before mentioned section, as necessary and proper, for carrying into execution the powers vested in that department. A construction of the different parts of the Constitution, perfectly just and fair, will, on analogous principles, extend protection and security against the offences in question, to the other departments of government, in discharge of their respective trusts.

The President of the United States is bound by his oath "to preserve, protect and defend the Constitution," and it is expressly made his duty "to take care that the laws be faithfully executed;" but this would be impracticable by any created being, if there could be no legal restraint of those scandalous misrepresentations of his measures and motives, which directly tend to rob him of the public confidence. And equally impotent would be every other public officer, if thus left to the mercy of the seditious.

It is holden to be a truth most clear, that the important trusts before enumerated cannot be discharged by the government to which they are committed, without the power to restrain seditious practices and unlawful combinations against itself, and to protect the officers thereof from abusive misrepresentations. Had the Constitution withheld this power, it would have made the government responsible for the effects without any control over the causes which naturally produce them, and would have essentially failed of answering the great ends for which the people of the United States declare, in the first clause of that instrument, that they establish the same, viz: "To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote

the general welfare, and secure the blessings of liberty to ourselves and posterity."

Seditious practices and unlawful combinations against the Federal Government, or any officer thereof, in the performance of his duty, as well as licentiousness of speech and of the press, were punishable on the principles of common law in the courts of the United States, before the act in question was passed. This act then is an amelioration of that law in favor of the party accused, as it mitigates the punishment which that authorizes, and admits of any investigation of public men and measures which is regulated by truth. It is not intended to protect men in office, only as they are agents of the people. Its object is to afford legal security to public offices and trusts created for the safety and happiness of the people, and therefore the security derived from it is for the benefit of the people, and is their right.

This construction of the Constitution and of the existing law of the land, as well as the act complained of, the legislature of Massachusetts most deliberately and firmly believe results from a just and full view of the several parts of the Constitution: and they consider that act to be wise and necessary, as an audacious and unprincipled spirit of falsehood and abuse had been too long unremittingly exerted for the purpose of perverting public opinion, and threatened to undermine and destroy the whole fabric of government.

The legislature further declare, that in the foregoing sentiments they have expressed the general opinion of their constituents, who have not only acquiesced without complaint in those particular measures of the Federal Government, but have given their explicit approbation by re-electing those men who voted for the adoption of them. Nor is it apprehended, that the citizens of this State will be accused of supineness or of an indifference to their constitutional rights; for, while on the one hand, they regard with due vigilance the conduct of the government; on the other, their freedom, safety and happiness require, that they should defend that government and its constitutional measures against the open or insidious attacks of any foe, whether foreign or domestic.

And, lastly, that the legislature of Massachusetts feel a strong conviction, that the several United States are connected by a common interest which ought to render their union indissoluble, and that this State will always co-operate with its confede-

rate States in rendering that union productive of mutual security, freedom and happiness.

Sent down for concurrence.

SAMUEL PHILIPS, *President.*

*In the House of Representatives, Feb. 13, 1799,*

Read and concurred.

EDWARD H. ROBBINS, *Speaker.*

A true copy.

Attest.

JOHN AVERY, *Secretary.*

## STATE OF NEW YORK.

*In Senate, March 5, 1799.*—Whereas, the people of the United States have established for themselves a free and independent national government: And whereas it is essential to the existence of every government, that it have authority to defend and preserve its constitutional powers inviolate, inasmuch as every infringement thereof tends to its subversion. And whereas the judicial power extends expressly to all cases of law and equity arising under the Constitution and the laws of the United States whereby the interference of the legislatures of the particular States in those cases is manifestly excluded. And, whereas, our peace, prosperity and happiness, eminently depend on the preservation of the Union, in order to which, a reasonable confidence in the constituted authorities and chosen representatives of the people is indispensable. And, whereas, every measure calculated to weaken that confidence has a tendency to destroy the usefulness of our public functionaries, and to excite jealousies equally hostile to rational liberty, and the principles of a good republican government. And, whereas, the Senate not perceiving that the rights of the particular States have been violated, nor any unconstitutional powers assumed by the General Government, cannot forbear to express the anxiety and regret with which they observe the inflammatory and pernicious sentiments and doctrines which are contained in the resolutions of the legislatures of Virginia and Kentucky—sentiments and doctrines, no less repugnant to the Constitution of the United States, and the principles of their union, than destructive to the Federal Government, and unjust to those whom the people have elected to administer it: wherefore, *Resolved*, That while the Senate feel themselves constrained to bear unequivocal testimony against such sentiments and doctrines, they deem it a duty no less indispensable, explicitly to declare their incompetency, as a branch of the legislature of this State, to supervise the acts of the General Government.

*Resolved*, That his excellency, the Governor, be, and he is hereby requested to transmit a copy of the foregoing resolution to the executives of the States of Virginia and Kentucky, to the end that the same may be communicated to the legislatures thereof.

A true copy.

ABM. B. BAUCKER, *Clerk*.

## STATE OF CONNECTICUT.

At a General Assembly of the State of Connecticut, holden at Hartford, in the said State, on the second Thursday of May, Anno Domini, 1799, his excellency the Governor having communicated to this assembly sundry resolutions of the Legislature of Virginia adopted in December, 1798, which relate to the measures of the General Government, and the said resolutions having been considered, it is

*Resolved*, That this assembly views with deep regret, and explicitly disavows, the principles contained in the aforesaid resolutions; and particularly the opposition to the "Alien and Sedition acts"—acts which the constitution authorised: which the exigency of the country rendered necessary: which the constituted authorities have enacted, and which merit the entire approbation of this assembly. They, therefore, decidedly refuse to concur with the Legislature of Virginia, in promoting any of the objects attempted in the aforesaid resolutions.

And it is further resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the Governor of Virginia, that it may be communicated to the Legislature of that State.

*Passed in the House of Representatives unanimously.*

Attest, JOHN C. SMITH, *Clerk*.

*Concurred, unanimously, in the Upper House.*

Teste, SAM. WYLLYS, *Sec'y*.

## STATE OF NEW HAMPSHIRE.

*In the House of Representatives, June 14, 1799.*—The committee, to take into consideration the resolutions of the general assembly of Virginia, dated December 21st, 1798; also certain resolutions of the Legislature of Kentucky, of the 10th of November, 1798, report as follows:

The Legislature of New Hampshire having taken into consideration certain resolutions of the general assembly of Virginia, dated December 21, 1798; also certain resolutions of the Legislature of Kentucky, of the 10th of November, 1798,

*Resolved*, That the Legislature of New Hampshire unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic, and that they will support the Government of the United States in all measures warranted by the former.

That the State Legislatures are not the proper tribunals to determine the constitutionality of the laws of the General Government—that the duty of such decision is properly and exclusively confided to the judicial department.

That if the Legislature of New Hampshire, for mere speculative purposes, were to express an opinion on the acts of the General Government, commonly called “the Alien and Sedition bills,” that opinion would unreservedly be, that those acts are constitutional, and, in the present critical situation of our country, highly expedient.

That the constitutionality and expediency of the acts aforesaid have been very ably advocated and clearly demonstrated by many citizens of the United States, more especially by the minority of the General Assembly of Virginia. The Legislature of New Hampshire, therefore, deem it unnecessary, by any train of arguments, to attempt further illustration of the propositions, the truth of which, it is confidently believed, at this day, is very generally seen and acknowledged.

Which report being read and considered, was unanimously received and accepted, one hundred and thirty-seven members being present.

Sent up for concurrence. JOHN PRENTICE, *Speaker*.

In Senate, same day, read and concurred in unanimously.

AMOS SHEPARD, *President*.

Approved, June 15th, 1799.

J. T. GILMAN, *Governor*.

A true copy. Attest,

JOSEPH PEARSON, *Secretary*.

#### STATE OF VERMONT.

*In the House of Representatives, October 30th, A. D., 1799.*  
The House proceeded to take under their consideration the resolutions of the General Assembly of Virginia, relative to certain measures of the General Government, transmitted to the Legislature of this State, for their consideration: Whereupon,  
*Resolved*, That the General Assembly of the State of Vermont do highly disapprove of the resolutions of the General Assembly of the State of Virginia, as being unconstitutional in

their nature, and dangerous in their tendency. It belongs not to State Legislatures to decide on the constitutionality of laws made by the General Government; this power being exclusively vested in the judiciary courts of the Union: That his excellency the Governor be requested to transmit a copy of this resolution to the executive of Virginia, to be communicated to the General Assembly of that State: And that the same be sent to the Governor and Council for their concurrence.

SAMUEL C. CRAIG, *Clerk*.

In Council, October 20, 1799. Read and concurred in unanimously.  
RICHARD WHITNEY, *Secretary*.

## KENTUCKY RESOLUTIONS OF 1798 AND 1799.

[The original draught prepared by Thomas Jefferson.]

The following Resolutions passed the House of Representatives of Kentucky, Nov. 10th, 1798. On the passage of the first Resolution, one dissentient; 2d, 3d, 4th, 5th, 6th, 7th, 8th, two dissentients; 9th, three dissentients.

**I. Resolved**, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself, the residuary mass of right to their own self-government; and, that whenever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and in an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but, that as in all other cases of compact among parties having no common judge, EACH PARTY HAS AN EQUAL RIGHT TO JUDGE FOR ITSELF, AS WELL OF INFRACTIONS AS OF THE MODE AND MEASURE OF REDRESS.

**II. Resolved**, That the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracy and felonies committed on the high seas, and offences

against the laws of nations, and no other crimes whatever; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, "that the powers not delegated to the United States by the Constitution; nor prohibited by it to the States, are reserved to the States respectively, or to the people," therefore, also, the same act of Congress, passed on the 14th day of July, 1798, and entitled, "An act in addition to the act entitled an act for the punishment of certain crimes against the United States;" as also, the act passed by them on the 27th day of June, 1798, entitled, "An act to punish frauds committed on the Bank of the United States," (and all other their acts which come to create, define, or punish crimes other than those enumerated in the Constitution) are altogether void and of no force, and that the power to create, define, and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective States, each within its own territory.

**III. Resolved,** That it is true, as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people;" and, that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or to the people; that this was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated rather than the use be destroyed; and thus also they guarded against all abridgment by the United States, of the freedom of religious principles and exercises, and retained to themselves the right of protecting the same; as this, stated by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference; and, that, in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares, that "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," thereby guarding in the same sentence, and under the same

words, the freedom of religion, of speech, and of the press, in-  
somuch, that whatever violates either, throws down the sanc-  
tuary which covers the others; and that libels, falsehood, and  
defamation, equally with heresy and false religion, are with-  
held from the cognizance of Federal tribunals. That therefore  
the act of the Congress of the United States, passed on the 14th  
of July, 1798, entitled, "An act in addition to the act entitled  
an act for the punishment of certain crimes against the United  
States," which does abridge the freedom of the press, is NOT  
LAW, but is altogether void and of NO FORCE.

IV. *Resolved*, That alien friends are under the jurisdiction  
and protection of the laws of the State wherein they are: that  
no power over them has been delegated to the United States,  
nor prohibited to the individual States distinct from their  
power over citizens; and it being true, as a general prin-  
ciple, and one of the amendments to the Constitution having  
also declared, that "the powers not delegated to the United  
States, by the Constitution, nor prohibited to the States, are  
reserved to the States respectively, or to the people," the act  
of the Congress of the United States, passed the 22d day of June,  
1798, entitled, "An act concerning aliens," which assumes  
power over alien friends not delegated by the Constitution, is  
NOT LAW, but is altogether void and of NO FORCE.

V. *Resolved*, That in addition to the general principle as  
well as the express declaration, that powers not delegated are  
reserved, another and more special provision inferred in the  
Constitution, from abundant caution has declared, "that the  
migration or importation of such persons as any of the States  
now existing shall think proper to admit, shall not be pro-  
hibited by the Congress prior to the year 1808." That this  
Commonwealth does admit the migration of alien friends de-  
scribed as the subject of the said act concerning aliens; that a  
provision against prohibiting their migration, is a provision  
against all acts equivalent thereto, or it would be nugatory;  
that to remove them when migrated is equivalent to a prohibi-  
tion of their migration, and is therefore, contrary to the said  
provision of the Constitution, and void.

VI. *Resolved*, That the imprisonment of a person under the  
protection of the laws of this Commonwealth on his failure to  
obey the simple order of the President to depart out of the  
United States, as is undertaken by the said act, entitled, "An  
act concerning aliens," is contrary to the Constitution, one  
amendment in which has provided, that "no person shall be  
deprived of liberty without due process of law," and that

another having provided, "that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed as to the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defence," the same act undertaking to authorize the President to remove a person out of the United States who is under the protection of the law, on his own suspicion, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defence, without counsel, is contrary to these provisions also of the Constitution, is therefore NOT LAW, but utterly void and of NO FORCE.

That transferring the power of judging any person who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides, that, "the judicial power of the United States shall be vested in the courts, the judges of which shall hold their office during good behavior," and that the said act is void for that reason also; and it is further to be noted that this transfer of judiciary power is to that magistrate of the General Government who already possesses all the executive, and a qualified negative in all the legislative powers.

VII. *Resolved*, That the construction applied by the General Government (as is evident by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress power to lay and collect taxes, duties, imposts, excises; to pay the debts, and provide for the common defence, and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution: That words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument: That the proceedings of the General Government under color of those articles, will be a fit and necessary subject for revision and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

VIII. *Resolved*, That the preceding resolutions be transmit-

## KENTUCKY RESOLUTIONS OF 1798 AND 1799.

ted to the Senators and Representatives in Congress from this Commonwealth, who are enjoined to present the same to their respective houses, and to use their best endeavors to procure at the next session of Congress a repeal of the aforesaid unconstitutional and obnoxious acts.

IX. *Resolved lastly*, That the Governor of this Commonwealth be, and is hereby authorized and requested to communicate the preceding resolutions to the legislatures of the several States, to assure them that this Commonwealth considers union for special national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness and prosperity of all the States—that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe, that to take from the States all the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these States; And that, therefore, this Commonwealth is determined, as it doubts not its co-States are, *to submit to undelegated and consequently unlimited powers in no man, or body of men on earth*: that if the acts before specified should stand, these conclusions would flow from them; that the General Government may place any act they think proper on the list of crimes and punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person, who may himself be the accuser, counsel, judge, and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable description of the inhabitants of these States, being by this precedent reduced as outlaws to the absolute dominion of one man and the barriers of the Constitution thus swept from us all, no rampart now remains against the passions and the power of a majority of Congress, to protect from a like exportation or other grievous punishment the minority of the same body, the legislatures, judges, governors, and counsellors of the States, nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the States and people, or who, for other causes, good or bad, may be obnoxious to the view or marked by the suspicions of the President, or to be thought dangerous to his or their elec-

one or other interest, public or personal; that the friends  
 who had been selected on the same subject of a first experi-  
 ment, but the course will soon follow, or rather has already  
 followed, for, already has a sedition been marked him as a prey:  
 That these and successive acts of the same character, unless  
 checked on the *Yaracoid*, may tend to drive these States into  
 revolution and blood, and will furnish new calumnies against  
 republican governments, and new pretexts for those who wish  
 it to be believed, that man cannot be governed but by a rod  
 of iron, that it would be a dangerous delusion were a confi-  
 dence in the men of our choice to silence our fears for the safety  
 of our rights; that confidence is every where the parent of  
 despotism: free government is found in jealousy and not in  
 confidence: it is jealousy and not confidence which prescribes  
 limited constitutions to bind down those whom we are obliged  
 to trust with power: that our Constitution has accordingly  
 fixed the limits to which, and no farther, our confidence may  
 go; and let the honest advocate of confidence read the Alien  
 and Sedition acts, and say if the Constitution has not been wise  
 in fixing limits to the government it created, and whether we  
 should be wise in destroying those limits? Let him say what  
 the government is, if it be not a tyranny, which the men of  
 our choice have conferred on the President, and the President  
 of our choice has assented to and accepted over the friendly  
 strong-arms, to whom the mild spirit of our country and its laws  
 and pledged hospitality and protection; that the men of our  
 choice have more respected the bare suspicions of the President  
 than the solid rights of innocence, the claims of justification,  
 the sacred force of truth, and the forms and substance of law  
 and justice. In questions of power, then, let no more be said  
 of confidence in man, but bind him down from mischief by the  
 chains of the Constitution. That THIS COMMONWEALTH DOES  
 THEREFORE CALL ON ITS CO-STATES for an expression of their senti-  
 ments on the acts concerning aliens, and for the punishment  
 of certain crimes herein before specified, plainly declaring  
 whether these acts are or are not authorized by the federal  
 compact. And it doubts not that their sense will be so announced  
 as to prove their attachment to limited government, whether gene-  
 ral or particular, and that the rights and liberties of their co-  
 States will be exposed to no dangers by remaining embarked on a  
 stormy ocean with their own. But they will concur with this  
 Commonwealth in con- sidering the said acts as so palpably against  
 the Constitution as to amount to an undisguised declaration, that  
 the compact is not meant to be the measure of the powers of the

*General Government, but that it will proceed in the exercise over these States of all powers whatsoever. That they will view this as seizing the rights of the States and consolidating them in the hands of the General Government, with a power assumed to bind the States (not merely in cases made federal) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent; that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States recurring to their natural rights in cases not made federal, will concur in declaring these VOID and of no FORCE, and will each unite with this Commonwealth in requesting their repeal at the next session of Congress.*

EDMUND BULLOCK, S. H. R.  
JOHN CAMPBELL, S. S. P. T.

Passed the House of Representatives, Nov. 10, 1798.

Attest,

THOS. TODD, C. H. R.

In SENATE, Nov. 13, 1789--Unanimously concurred in.

Attest,

B. THURSTON, C. S.

Approved, November 19th, 1798.

JAMES GARRARD, Governor of Kentucky.

By the Governor,

HARRY TOULMIN, Secretary of State.

HOUSE OF REPRESENTATIVES, *Thursday, Nov. 14, 1799.*

The House, according to the standing order of the day, resolved itself into a Committee of the whole House, on the state of the Commonwealth, Mr. Desha in the chair; and, after some time spent therein, the Speaker resumed the chair, and Mr. Desha reported, that the Committee had taken under consideration sundry resolutions passed by several State Legislatures, on the subject of the Alien and Sedition Laws, and had come to a resolution thereupon, which he delivered in at the Clerk's table, where it was read and *unanimously* agreed to by the House, as follows:

The representatives of the good people of this Commonwealth, in General Assembly convened, having maturely considered the answers of sundry States in the Union, to their resolutions passed the last session, respecting certain unconstitutional laws of Congress, commonly called the Alien and Sedition Laws, would be faithless, indeed, to themselves and to those they represent, were they silently to acquiesce in the principles and

doctrines attempted to be maintained in all those answers, that of Virginia only excepted. To again enter the field of argument, and attempt more fully or forcibly to expose the unconstitutionality of those obnoxious laws, would, it is apprehended, be as unnecessary as unavailing. We cannot, however, but lament, that, in the discussion of those interesting subjects, by sundry of the Legislatures of our sister States, unfounded suggestions, and uncandid insinuations, derogatory to the true character and principles of this Commonwealth, have been substituted in place of fair reasoning and sound argument. Our opinions of these alarming measures of the General Government, together with our reasons for those opinions, were detailed with decency, and with temper, and submitted to the discussion and judgment of our fellow-citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those States, who have denied or attempted to obviate the great truths contained in those resolutions, we have now only to submit to a candid world. Faithful to the true principles of the Federal Union, unconscious of any designs to disturb the harmony of that Union, and anxious only to escape the fangs of despotism, the good people of this Commonwealth are regardless of censure or calumny. Least, however, the silence of this Commonwealth should be construed into an acquiescence in the doctrines and principles advanced and attempted to be maintained by the said answers, or least those of our fellow-citizens throughout the Union who so widely differ from us on those important subjects, should be deluded by the expectation, that we shall be deterred from what we conceive our duty, or shrink from the principles contained in those resolutions—therefore,

*Resolved*, That this Commonwealth considers the Federal Union, upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several States: That it does now unequivocally declare its attachment to the Union, and to that compact, agreeably to its obvious and real intention, and will be among the last to seek its dissolution: That if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State Governments, and the creation upon their ruins of a General Consolidated Government, will be the inevitable consequence: THAT THE PRINCIPLE AND CONSTRUCTION CONTENDED FOR BY SUNDRY OF THE STATE LEGISLATURES, THAT THE GENERAL GOVERNMENT IS THE ELEC-

# KENTUCKY RESOLUTIONS OF 1798 AND 1799.

SIVE JUDGE OF THE EXTENT OF THE POWERS DELEGATED TO IT, STOP NOTHING SHORT OF DESPOTISM—SINCE THE DISCRETION OF THOSE WHO ADMINISTER THE GOVERNMENT, AND NOT THE CONSTITUTION, WOULD BE THE MEASURE OF THEIR POWERS: That the several States who formed that instrument being sovereign and independent have the unquestionable right to judge of the infraction; and, THAT A NULLIFICATION BY THOSE SOVEREIGNTIES, OF ALL UNAUTHORIZED ACTS DONE UNDER COLOR OF THAT INSTRUMENT IS THE RIGHTFUL REMEDY: That this Commonwealth does, under the most deliberate reconsideration, declare, that the said Alien and Sedition Laws are, in their opinion, palpable violations of the said Constitution; and, however cheerful it may be disposed to surrender its opinion to a majority of its sister States; in matters of ordinary or doubtful policy, yet, in no momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That although this Commonwealth, as a party to the Federal compact, will bow to the laws of the Union, yet, it does at the same time declare, that it will not now, or ever hereafter, cease to oppose in a constitutional manner every attempt, at what quarter soever offered, to violate that compact. And, finally, in order that no pretext or arguments may be drawn from a supposed acquiescence, on the part of this Commonwealth, in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the Federal compact—this Commonwealth does now enter against them its SOLEMN PROTEST.

Extract, &c. Attest, THOS. TODD, C. H. R.

In SENATE, Nov. 22, 1799--Read and concurred in.

Attest, B. THURSTON, C. S.

## APPENDIX.

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### ORDINANCE OF 1787.

#### CESSION FROM THE STATE OF VIRGINIA.

Whereas the General Assembly of Virginia, at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States in Congress assembled, all the right of that Commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said Commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

Whereas the General Assembly of the Commonwealth of Virginia, at their sessions, begun on the 20th day of October, 1783, passed an act, entitled, "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the right of this Commonwealth to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which

the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in Congress assembled have, by their act of the thirteenth of September last, stipulated the terms on which they agree to accept the cession of this State, should the Legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will, in justice to this State, for the liberal cession she hath made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the Union. Be it enacted by the General Assembly, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress of the thirteenth day of September last: that is to say, upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States.

That the necessary and reasonable expenses incurred by this State, in subduing any British posts, or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and

liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then colonel, now general George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskias and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. Provided, that the trust hereby reposed in the delegates of this State shall not be executed unless three of them at least are present in Congress.

And whereas the said General Assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said General Assembly of Virginia, before recited, and in the name, and for and on behalf, of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in Congress assembled, for the benefit of the said States, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the Independence of the United States the eighth.

*Resolved*, That the United States in Congress assembled are ready to receive this deed, whenever the delegates of the State of Virginia are ready to execute the same.

The delegates of Virginia then proceeded and signed, sealed, and delivered the said deed; whereupon Congress came to the following resolution:

The delegates of the Commonwealth of Virginia having executed the deed,

*Resolved*, That the same be recorded and enrolled among the acts of the United States, in Congress assembled.

*Resolved*, That it be, and it hereby is, recommended to the Legislature of Virginia, to take into consideration their act of session: and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States, lying northerly and westerly of the river Ohio, into distinct republican States, not more than five nor less than three, as the situation of that country and future

# ORDINANCE OF 1787.

circumstances may require; which States shall hereafter become members of the Federal Union; and have the same rights of sovereignty, freedom, and independence, as the original States: in conformity with the resolution of Congress of the tenth October, 1789.\*

According to order, the ordinance for the government of the territory of the United States northwest of the river Ohio, was read a third time, and passed, as follows:

An ordinance for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood; saving in all cases to the widow of the intestate her third part of the

\* *Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress, of the sixth day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred, since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed:

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any time or more of them.—*Journal of Congress*, October 10, 1789.

real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the Legislature of the district. And what the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincent, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall be common law jurisdiction and reside in the district, and each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the

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circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

The Governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the Governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary Government, be appointed by the Governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district; and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly; provided that, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the Legislature; provided, that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres

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of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the Governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly, or Legislature, shall consist of the Governor, Legislative Council, and a House of Representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the Governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the Council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term: And every five years, four months at least before the expiration of the time of service of the members of the Council, the said House shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the Council five years, unless sooner removed. And the Governor, Legislative Council, and House of Representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the House, and by a majority in the Council, shall be referred to the Governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

The Governor, Judges, Legislative Council, Secretary, and

such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity; and of office; the Governor before the President of Congress, and all other officers before the Governor. As soon as a Legislature shall be formed in the district, the Council and House assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary Government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and for ever remain unalterable, unless by common consent, to wit:

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences where the proof shall be evident, or the presumption great. All fines shall be moderate: and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as

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follows, to wit: the western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: provided the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784,\* relative to the subject of this

\* *Resolved*, That so much of the territory ceded or to be ceded by individual States to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct States in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from north to south two degrees

ordinance, be, and the same are hereby repealed and declared null and void. Done, &c.

Whereas the United States in Congress assembled did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, showing that a division of the territory which hath been ceded to the said United States, by this commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican States, not more than five nor less than three in number, as the situation of that country and future circumstances might require: and the said United States in Congress assembled have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of

of latitude, beginning to count from the completion of forty-five degrees north of the equator: and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the great Kanaway; but, the territory eastward of this last meridian, between the Ohio, lake Erie, and Pennsylvania, shall be one State, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the State adjoining it on the south; and that part of the Ohio, which is between the same meridians, coinciding nearly with the parallel of 39 degrees, shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their State, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original States, so that such laws, nevertheless, shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

That when any such State shall have acquired twenty thousand free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves. Provided, that both the temporary and permanent governments be established on these principles as their basis:

1. That they shall for ever remain a part of this confederacy of the United States of America.

2. That they shall be subject to the articles of confederation in all those cases in which the original States shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

3. That they, in no case, shall interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers.

4. That they shall be subject to pay a part of the federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

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July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz:

[Here the 5th article of compact, of the ordinance of Congress of 13th July, 1787, is recited verbatim. See ante, page 297.]

And it is expedient that this Commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said territory.

2. Be it, therefore, enacted, by the General Assembly, That the aforerecited article of compact, between the original States and the people and States in the territory northwest of Ohio river, be, and the same is hereby ratified and confirmed, any thing to the contrary, in the deed of cession of the said territory by this Commonwealth to the United States, notwithstanding.

5. That no tax shall be imposed on lands the property of the United States. .

6. That their respective governments shall be republican.

7. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States; provided the consent of so many States in Congress is first obtained as may, at the time, be competent to such admission. And in order to adapt the said articles of confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the States, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine States is now required, which, being agreed to by them, shall be binding on the new States. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating, but not of voting.

That measures, not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new States, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original States, and each of the several States now newly described, unalterable from and after the sale of any part of the territory of such State, pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed to be made.—*Journals of Congress.*

## FREMONT—HIS SUPPORTERS AND THEIR RECORD.

### THE OPINIONS OF OUR GREAT STATESMEN UPON THE MISSOURI RESTRICTION.

BY AN INDIANIAN.

The Black Republican candidate for the Presidency, though a senator of the United States for several months, was in his seat and participated in the proceedings of that body but twenty-one days; yet, during that time, he showed himself to be a most ultra pro-slavery man.

He is now the candidate of, and supported by, that class of abolitionists who demand that wherever Congress has the power, slavery shall be abolished.

When bill No. 226, "To suppress the slave trade in the District of Columbia," was under consideration, Mr. Seward moved an amendment, "To abolish slavery in the District of Columbia." Chase, Hale and Seward voted for the amendment, and FREMONT and DAYTON against it. (Senate Journal, 1st session 31st Congress, p. 627.)

Subsequently, when bill No. 347 was under consideration, the same amendment was proposed by Mr. Hale, and supported by Messrs. Hale, Chase and Seward, and opposed by Messrs. FREMONT and DAYTON. (Senate Journal, 1st session 31st Congress, p. 647.)

Under the responsibility of official duty, and the obligations of his senatorial oath, Mr. Fremont resisted the proposition to abolish slavery in the District of Columbia, although he conceded the power. Yet, he is now the candidate of the party with which that measure is first in importance. What brought about this change in his views of right and duty in relation to so important a measure? Has he abandoned a high principle to attain a high position? Has his gaze been so intent upon the White House, that he would send his principles to the auction block, that he might reach the Presidency? Let the unprejudiced mind answer.

The Senate on the 14th of September, 1850, resumed the consideration of bill No. 226, "To suppress the slave trade in the District of Columbia," the third section of which provided, that any person who should induce or entice a slave to run away from his master should be imprisoned in the penitentiary for ten years. Senator Badger, of North Carolina, moved to strike out the clause denouncing a penalty of ten years imprisonment, and insert, "For any time not exceeding five years."

Mr. FREMONT voted against this amendment. (Senate Journal, 1st session 31st Congress, p. 632.)

He was the only senator representing a free State who voted against

that wise and humane proposition, originating in the benevolent feelings of a southern senator. In his judgment, to persuade a slave to leave his master was a crime of such magnitude, that nothing less than ten years' imprisonment in a southern penitentiary would be an adequate punishment; and as stern and harsh must the law be, that the court should be denied all discretion in imposing the penalty, nor allowed to take into consideration the character, age, or intelligence of the accused, nor any mitigating circumstance. The amendment was proposed by a southern senator, an enlightened and able defender of southern rights and institutions, but it was too liberal, too indulgent to secure the vote of Mr. Fremont, though he represented a free State. To satisfy his convictions of right, the man who might encourage a faithful slave to escape from a cruel master, must be crushed with a penalty more severe than is usually inflicted upon the perpetrators of high crimes and infamous felonies in the States. For crimes against the property and persons of the people, the courts and juries may, in most cases, reduce the imprisonment to a term of two years; but the misguided enthusiast, or blind fanatic, who should encourage a slave to flee for liberty, is denied the mercy of the court, and must suffer a fixed and certain penalty of ten years' imprisonment in the penitentiary. So voted Fremont—and in giving that vote he stood *alone* among the senators from the North. That record stands unchanged; but where stands the man who made it?—the man who was so ultra in his views that a southern measure was not sufficiently stringent—he who was so quick and valiant to draw his sword for the South? Six years have passed since that record, but in that short period the relative position and strength of the sections, North and South, have greatly changed. The North has become powerful and defiant—whilst the South, by calling into action every energy, is scarcely able to maintain her constitutional rights, and her equality in the Union. A sectional party in the North seeks to seize and control the government, and this late champion of the South, John C. Fremont, is their candidate for the Presidency. He is supported by Seward, Sumner, Giddings, Chase, Wade, Hale, and their compeers—the acknowledged leaders and mouth-pieces of the Abolition party of the United States.

John C. Fremont has made no political record since his brilliant senatorial career; therefore to ascertain the opinions and sentiments that will govern him in his administration of public affairs, if the American people shall, by their suffrage, place him in the highest office in the gift of a free people, we must recur to the avowed and published opinions and purposes of his political associates.

The leaders of his party have a record—a record of vituperation against the Democratic party, against the federal constitution, and against the federal Union; this record we submit to the American people, and ask them to decide, in November next, whether the diversified interests of this great country are to be subserved by committing them to the management of such men.

On the petition of John J. Woodward and others, praying that a plan might be devised for a dissolution of the Union, the years were, SALMON P. CHASE, JOHN P. HALE, and WILLIAM H. SEWARD. (Senate Journal, 1st session 31st Congress, p. 129.)

These men are now the acknowledged leaders of Black Republicanism; they are of those who *profess* love for the constitution and the Union, whilst black and horrid treason has *possession* of their hearts; but when they nominated John C. Fremont, they declared to the world that "the constitution must and shall be preserved." This they did, only to deceive the confiding, and mislead the unwary. Their votes speak louder than their words. They use the language of patriotism and of love for the Union to secure the support of Union-loving men, whilst their votes, their acts, and their organization, lead only to a dissolution, and all the evils that must follow. They believe in the "higher-law" doctrine, first enunciated at a Black Republican (then called a Liberty) convention, held in the city of Buffalo in 1843, at which the following resolution was unanimously adopted, with Salmon P. Chase as chairman of the Committee on Resolutions:

*"Resolved, That we hereby give it to be distinctly understood, by this nation and the world, that, as abolitionists, considering that the strength of our cause lies in its righteousness, and our hopes for it in our conformity to the laws of God, and our support of the rights of man, we owe to the sovereign Ruler of the Universe, as a proof of our allegiance to Him, in all our civil relations and offices, whether as friends, citizens, or as public functionaries, sworn to support the constitution of the United States, to regard and treat the third clause of the instrument, whenever applied in the case of a fugitive slave, as utterly null and void, and consequently as forming no part of the constitution of the United States, whenever we are called upon, or sworn to support it."*

This doctrine was reiterated in June, 1853, at Ravenna, Ohio, by a mass meeting of Free-soilers, which was addressed by CHASE, GIDDINGS, SAMUEL LEWIS, and JUDGE SPAULDING, (all of whom are now the champions of the Fremont cause,) by the adoption of the following resolution:

*"Resolved, That we cannot respect, nor can we confide in those lower-law doctors of divinity who hold human laws above the laws of God; nor can we concur in their teachings, that the divine law is subject to Congressional compromise."*

And again announced by the Hon. Charles Sumner, in 1854, in the Senate of the United States.

Mr. Butler, of South Carolina, asked, "If we repeal the fugitive-slave law, will Massachusetts execute the provision of the constitution without any law of Congress?" Will this honorable senator [Mr. Sumner] tell me that he will do it?" To which Mr. Sumner replied: "Is thy servant a dog, that he should do this thing?" Mr. Butler continued: "Then you would not obey the constitution. Sir, standing here before this tribunal, where you swore to support it, you rise and tell me that you regard it the office of a dog to enforce it. You stand in my presence as a co-equal senator, and tell me that it is a dog's office to execute the constitution of the United States?" To which Mr. Sumner said: "I recognise no such obligation."

Welcome is Mr. Sumner to his senatorial honors, acquired by charging that only a "dog" could recognise or execute an express clause of the constitution of the United States, which, however, is in strict accordance with the Buffalo and Ravenna resolutions, and comports with the "higher-law" notions of the party who recently made Colonel Fremont their presidential candidate.

This doctrine, which makes the private notions or prejudices of each individual the paramount law of his political action, is but a practical development of the "higher-law" notions as applied to American poli-

ties of William H. Seward, who, in a speech delivered in the United States Senate in 1850, said:

"The constitution regulates our stewardship; the constitution devotes the domain to Union, to justice, to defence, to welfare, and to liberty. But there is a *higher law than the constitution*, which regulates our authority over the domain, and devotes it to the same noble purposes."

It is scarcely necessary to say that, with such ideas in the ascendant in any country, no government is practical, and anarchy and confusion, and brute force, must inevitably rule the hour. Bodies of men or individuals, maddened by sectional or party prejudices, will never want an excuse for the violation of unpalatable laws, so long as they are permitted to substitute the vagaries of their own distempered intellects as having a stronger claim to their obedience than the constitution of their country.

As a further development of this idea of individual sovereignty, Wendell Phillips, of Massachusetts, at a Free-soil meeting in Boston, in May, 1849, said:

"We confess that we intend to trample under foot the constitution of this country. Daniel Webster says: 'You are a law-abiding people;' that the glory of New England is, 'that it is a law-abiding community.' Shame on it, if this be true; if even the religion of New England sinks as low as its statute-book. But I say we are not a law-abiding community. God be thanked for it."

But the Black Republican platform says:

"The federal constitution, the rights of the States, and the Union of the States, must and shall be preserved."

In preservation of the "rights of the States," JOSHUA R. GIDDINGS, in the House of Representatives, in May, 1854, said:

"I look forward to the day when there shall be a servile insurrection in the South; when the black man, armed with British bayonets, and commanded by British officers, shall wage a war of extermination against the white man; when the master shall see his dwelling in flames, and his hearth-stone polluted; and, though I may not mock at their calamity, nor laugh when their fear cometh, yet shall I hail it as the dawn of a political millenium."

The man who uttered this *chaste* sentiment contributed more to the nomination of Fremont than perhaps any other man in the convention; he was the master-spirit of that convention, and was no doubt the author of that clause in the platform which declares "the rights of the States must and shall be preserved." Yes, such preservation "as the wolf gives to the lamb!"

But certainly that Black Republican party which *professes* so much love for the federal constitution and the union of the States must have a record in strict conformity to such professions. Let us, then, look to that record. Mr. Mann, of Massachusetts, in 1850, expressed his love for the constitution and the Union as follows:

"I have only to add, that, under a full sense of my responsibility to my country and my God, I *deliberately* say, better disunion, better a civil or a servile war, better anything than God, in his Providence, shall send, than an extension of the bounds of slavery."

At a celebration of the 4th day of July, 1854, by citizens of Massachusetts, in which the Rev. (?) Theodore Parker, Wendell Phillips, and others, took the lead, the constitution of the United States was thrown into a fire, built for that purpose, and burnt in derision of the American Union.

Senator Wade, of Ohio, in a speech to a mass meeting of the Black Republicans, held in the State of Maine in 1855, according to the Boston Atlas, said:

"There was no freedom at the South for either white or black, and he would strive to protect the free soil of the North from the same blighting curse. *There was really no Union now between the North and the South*, and he believed no two nations upon the earth entertained feelings of more bitter rancor towards each other than these two sections of the republic. The only salvation of the Union, therefore, *was to be found in divesting it entirely from all taint of slavery. There was no Union with the South.* Let us have a Union, said he, or let us sweep away this remnant which we call a Union. I go for a Union where all men are equal, or for no Union at all, and I go for right."

This speech was vociferously applauded by the constitution-union-loving people of Maine.

These disunion sentiments, and the man who uttered them, were endorsed by the Black Republican legislature of Ohio in 1856, by re-electing him to the Senate of the United States. The Black Republicans of the great State of Ohio, therefore, respond faithfully to the sentiment: "*Let us sweep away this remnant which we call a Union.*"

This same party, at a convention held in Boston in 1855, adopted, by a unanimous vote, the following resolutions:

"15. Resolved, That a constitution which provides for a slave representation and a slave oligarchy in Congress, which legalizes slave hunting and slave catching on every inch of American soil, and which pledges the military and naval power of the country to keep four millions of chattel slaves in their chains, is to be trodden under foot and pronounced accursed, however unexceptionable or valuable may be its other provisions.

"16. Resolved, That the one great issue before the country is, the dissolution of the Union, in comparison with which all other issues with the slave power are as dust in the balance; therefore, we will give ourselves to the work of annulling this 'covenant with death,' as essential to our own innocency, and the speedy and everlasting overthrow of the slave system."

This same party "loves this Union!" yet, at various meetings and processions in Indiana, during the month of July, 1856, flags and transparencies were carried with but *sixteen stars*; emblematic of a northern confederacy of the sixteen free States. The same thing has recently occurred in the State of Maine:

"Hannibal Hamlin, Lot M. Morrill, and Charles W. Goddard, esq., of Danville, addressed a Fremont meeting at Norway on Monday, standing under an American flag, on which were only *sixteen stars*!

"The disunion flag, with sixteen stars only, still continues to float across the public highway in this village—an emblem of sectionalism, and a disgrace to the party who placed it there."—*Norway Advertiser.*

"The 'Portland State of Maine' has hung out a Fremont and Dayton flag, on which are only *sixteen stars*.

"A salute of sixteen guns was fired at Portland the day Hamlin was nominated for governor. Only sixteen States were represented in the convention which nominated Fremont and Dayton.

"These are significant signs of the disunion tendencies and feelings of the Black Republicans. They scarcely take any pains to disguise their hostility to the Union. Let those who love their country and desire to perpetuate the Union ponder these things, and then *do their duty*."

Senator Sumner, of Massachusetts, in a speech delivered in Faneuil Hall, Boston, on the 2d November, 1855, said:

"Not that I love the Union less, but freedom more, do I now, in pleading this great cause, insist that freedom, AT ALL HAZARDS, shall be preserved. God forbid that for the sake of the Union, we should sacrifice the very thing for which the Union was made."

Our glorious Union was formed to promote the prosperity and happiness of the white race, and as a condition of the Union, expressed in the constitution, the rights of the slave States are recognised and guaranteed. Shall it be sacrificed to a false philanthropy, a wild and fanatical sentimentality towards the black race? You respond "yes," when you, as sectional men, support John Charles Fremont.

Wade, Sumner, and their political associates, have long and openly declared their disunion sentiments; they have violated their constitutional obligations; they have defamed our glorious constitution; they

have traduced their country, and have plotted treason against our beloved Union; they are the leaders of the black cohorts of Black Republicanism; whilst plotting treason, they are also plotting for the election of Fremont; and if successful in either, they will have accomplished their great first design, the disunion of these States.

Wendell Phillips issued a pamphlet in 1850, reviewing Mr. Webster's speech "on the constitutional rights of the States," in which is the following:

"We are disunionists, not from any love of separate confederacies, or as ignorant of the thousand evils that spring from neighboring and quarrelsome States, but we would get rid of this Union."

This man that uttered these delectable sentiments is a leading Black Republican of Massachusetts and New England, and his shrieks are loud and long for "free speech, FREE MEN, and Fremont!"

The Black Republican-Know-nothing legislature of Massachusetts, in 1855, passed an act denominated the personal liberty bill, nullifying thereby an act of Congress, which, by the constitution, is a part of the supreme law of the land.

This "personal liberty bill," as has been well said, "menaces with *disfranchisement* any lawyer who appears for the claimant of the fugitive slave; menaces with *impeachment* any judge who issues a warrant or certificate, or holds even the office of commissioner under the federal law; and menaces with *infamous punishment* any ministerial officer or officer of militia who aids in its execution." And although Governor Gardner vetoed the bill because of its conflict with the constitution of the United States, yet this Black Republican and Know-nothing legislature passed it over the veto, and it became a law.

The legislature of Ohio, composed of the same material as the legislature of Massachusetts, at their session in 1856, passed laws nullifying the same acts of Congress.

Judge Spaulding, one of the leaders in the Black Republican convention from Ohio, said:

"In the case of the alternative being presented of the continuance of slavery or a dissolution of the Union, I am for dissolution, and I care not how quick it comes."

John P. Hale addressed the convention as follows:

"You have assembled, not to say whether this Union shall be preserved, but to say whether it shall be a blessing or a scorn and hissing among the nations."

Senator Wilson, on the 12th of June, 1855, in the Philadelphia Know-nothing convention, said:

"I am in favor of relieving the federal government from all connexion with, and responsibility for, the existence of slavery. To effect this object, I am in favor of the abolition of slavery in the District of Columbia, and the prohibition of slavery in all the Territories."

Mr. Wilson, by abolishing slavery in the District of Columbia, would perpetrate an act of bad faith, highly injurious to the peace and quietness of the States of Virginia and Maryland, from whom the cession was made to the general government. He would demand of a Congress, composed of members from all the States, to denounce and abolish an institution recognised and protected by fifteen States of this Union; yet what cares he for the peace and harmony of the Union, or the great wrong that he would inflict upon the South, so that his morbid appetite should be gratified? But the abolishment of slavery in the

District of Columbia, and the prohibition of slavery in the Territories, Mr. Clay said, were "but so many masked batteries, concealing the real and ultimate point of attack. That point of attack is the institution of slavery as it exists in the States. Their purpose is abolition—universal abolition—peaceably if they can, forcibly if they must."

Mr. Banks, the present Abolition-know-nothing Speaker of the House of Representatives, and who declined the nomination of the New York Know-nothing convention in favor of Mr. Fremont, said:

"I am not one of that class of men who cry for the perpetuation of the Union, though I am willing, in a certain state of circumstances, to let it slide."

Mr. Josiah Quincy, of Boston, in a speech in August, 1854, said:

"The obligation incumbent upon the free States to deliver fugitive slaves is that burden, and it must be obliterated from that constitution at every hazard."

General James Watson Webb, a Black Republican leader, said, in the Philadelphia convention:

"O ye people, come together from all parts of the Union and ask us to give them a nomination which, when fairly put before the people, will unite public sentiment, and, through the ballot-box, will restrain and repel this pro-slavery extension and this aggression of the slaveocracy. What else are they doing? They tell you that they are willing to abide by the ballot-box, and willing to make that the last appeal. If we fail there, what then? We will drive it back, sword in hand, and, so help me God! believing that to be right, I am with them." [Loud and prolonged applause.]

Let the ballot-box fail to elect Fremont, and the cartridge-box is threatened against the American people. The idiosyncracies of the Black Republican party must prevail, or the fire and sword must follow. They are truly a constitution Union-loving party.

Mr. Burlingame, in the House of Representatives, in 1856, said:

"The times demand, and we must have, an ANTI-SLAVERY CONSTITUTION, AN ANTI-SLAVERY BIBLE, AND AN ANTI-SLAVERY GOD."

The following extract is from the "Boston Liberator," a paper now warmly supporting Mr. Fremont:

"Justice and liberty, God and man, demand the dissolution of this slaveholding Union and the formation of a NORTHERN CONFEDERACY, in which slaveholders shall stand before the law as felons and be treated as pirates. God and humanity demand a ballot-box in which the slaveholders shall never cast a ballot. In this, what State so prepared to lead as the Old Bay State? She has already made it a penal offence to help to execute a law of the Union. I want to see the officers of this State brought into collision with those of the Union."

These benevolent and patriotic sentiments meet with a hearty response from the leaders of this Union-loving-Fremont party.

But of all the damnable sentiments that have ever met the public gaze were those uttered by that prince of Black Republicans, WILLIAM LLOYD GARRISON, who, in a speech made in New York on the 1st day of August, 1855, spoke thus:

"The issue is this: God Almighty has made it impossible from the beginning for liberty and slavery to mingle together, or a union to be founded between abolitionists and slaveholders—between those who oppress and those who are oppressed. THIS UNION IS A LIE; THE AMERICAN UNION IS A SHAM, AN IMPOSURE, A COVENANT WITH DEATH, AN AGREEMENT WITH HELL, AND IT IS OUR BUSINESS TO CALL FOR A DISSOLUTION. LET THAT UNION BE ACCURSED WHEREIN THREE MILLIONS AND A HALF OF SLAVES CAN BE DRIVEN TO UNREQUESTED TOIL BY THEIR MASTERS."

"I will continue to experiment no longer—it is all madness. LET THE SLAVEHOLDING UNION GO, AND SLAVERY WILL GO WITH THE UNION DOWN INTO THE DEBT. If the church is against disunion, and not on the side of the slave, then I pronounce it as of the devil."

"I SAY LET US CEASE STRIKING HANDS WITH THIEVES AND ADULTERERS, and give to the winds the rallying cry, 'NO UNION WITH SLAVEHOLDERS,' SOCIALLY OR RELIGIOUSLY, AND UP WITH THE FLAG OF DISUNION."

This party, with these leaders and this record, ask the American people to vote for their candidate for the presidency, John C. Fremont. Are you prepared to endorse the doctrine that, for our civil government, there is a "higher law" than the constitution? Are you prepared to say you owe no allegiance to that government which gives you protection in your person and property? that you "are not a law-abiding people?" Can you find it in your hearts to utter that this Union "is accursed," and that the great compact of your fathers is "a covenant with hell?" If you can deliberately do all this, then, indeed, are you a Black Republican, and you ought to cast your vote for John C. Fremont. But truly might you ask, "Is thy servant a dog, that he shall do this thing?"

For two years past the opponents of the Democratic party throughout the United States have waged a cruel and relentless war upon foreigners and members of the Roman Catholic church. These classes have been proscribed—commercial rights and political equality have been refused them—their fitness to participate in the affairs of government has been denied. They have been driven from the ballot-boxes, beaten and murdered in the streets, their homes sacked, their houses burned, and their wives and children cruelly murdered. That was the work of superstition, proscription, and bigotry. And whilst the rights of man were thus being crushed, and human blood made to flow, Abolitionism and Know-nothingism were allies—brothers in the field. Against them was arrayed the National Democracy. True to its mission, that party fought for the rights of man, and the freedom of religion. It has defeated and scattered the oath-bound forces of Know-nothingism. Democrats have fought the battle, and the foreigner is made secure in his social and political rights and privileges; and, strange to tell, the Abolitionists now ask him to turn against his friends.

His sympathies are invoked in behalf of the negro, and he is told that the war which they had waged for two years against him has ceased. Were not the legislatures of Massachusetts, Vermont, New Hampshire, and Connecticut, in 1855, composed almost entirely of Abolition-Know-nothings? Those legislatures passed laws to elevate, socially and politically, the negro, whilst they denied social or political equality to the adopted citizen. They denied their State courts to a foreigner, who should apply for naturalization; they hampered their law with conditions, so as to prevent the adopted citizen from exercising the elective franchise; they elevated the negro, and degraded the naturalized citizen; they are of the leaders of Fremont, and still shout "Down with the foreigners," "Up with the negroes," and "Americans must rule America." They are still of the Abolition party, and still against the Democracy; they hate the adopted citizen; they trample upon the constitution; they accuse the Union, and sing pæans of praise and love to the negro. Such is the Abolition-Know-nothing party of those States, and such are the supporters of John C. Fremont for the Presidency.

David Kilgore, in the Indiana Constitutional Convention in 1850, in speaking of our adopted citizens, said:

"A man, then, who has no feeling in common with us, who never felt the pulse of liberty till he set foot upon our soil, such a man is to enjoy the opportunity and the right to vote

amongst us, whilst these rights are to be denied to the unfortunate black men, who has ten times more intelligence, and who has lived in the State of Indiana from his birth." [See debates in the Convention, vol. I, p. 253.]

And at the Black Republican State Convention in 1856, he said:

"NO NOMINATION SHOULD BE MADE WHICH WOULD TREAD UPON THE TOES OF THE KNOW-NOTHINGS—neither should a nomination be made which would tread upon the toes of the Free-soilers—even the most ultra anti-slavery man. He was opposed to foreigners. They should be permitted to come to this country—to buy lands here—to till the soil, but they should be the horses, not the drivers. The Americans would hold the lines—the foreigners could draw the burdens. [This infamous sentiment was applauded.] The foreigner should not be allowed to make our laws. He might live under them and must obey them, but he should have no voice in the making of them."

This man is now the Know-nothing-Abolition candidate for Congress in the fifth Congressional district in the State of Indiana, regularly nominated by what they termed a "Republican Convention," and if elected, he is pledged to labor in Congress for the principles of his party—the elevation of the negro, and the degradation of the unfortunate victims of European oppression, who have sought an asylum in free America. "To this work of self-debasement the foreigner himself is asked to give his influence and vote. Will he give his vote to such men, and prove to them and the world that what his enemies have asserted is true—that he cannot appreciate a free government—that he is unfit to be a freeman? Let the adopted citizen ponder well before he casts his vote for his enemies, lest they may hereafter point to this very act, as evidence of a want of intelligence and capacity to vindicate the rights of a freeman.

On the 19th day of June, 1856, John C. Fremont was nominated for the Presidency by a grand council of Know-nothings, in the city of New York, representing all the Know-nothings of the northern and some of the southern States. On the 30th day of June he accepted that nomination, and in his letter of acceptance he speaks of it as an honor conferred upon him, and tenders his "grateful acknowledgment" to the members of that council, and to "their respective constituencies," for the "*distinguished expression of their confidence*." The constituencies represented were the Know-nothing lodges and wigwams all over the country, in which, for two years before, the destruction or degradation of foreigners was planned and plotted—in which companies of men were armed, organized, and sworn to attack, beat, and murder the foreign-born citizen. From them Fremont accepts the nomination as an honor; and if he accepts their services to secure his election, must he not represent their sentiments, and give himself up to their work of hatred and destruction?

On the day after Fremont received this Know-nothing nomination, the New York Herald, a Fremont paper, made the following announcement:

"The sudden change which has taken place in the sentiments of the convention in regard to Mr. Fremont is attributable to the fact that that gentleman was waited on last night by a delegation from this party, with whom he had a long and earnest confabulation, extending into the small hours of the morning; that he then and there declared himself unreservedly in favor of the principles of the Know-nothing party, and would give them his entire and cordial adherence, and that he was perfectly convinced that if he did not receive the support of the American party throughout the Union, he had not the slightest prospect of being elected."

When Senate bill No. 343, making temporary provision for working the mines in California, was under consideration, Mr. Seward, of New

York, moved to extend to all persons "who shall have, in pursuance of law, declared their intention to become citizens," the same benefits and privileges conferred upon citizens of the United States relative to working the gold mines. Mr. Fremont voted against the proposition, (Sen. Jour., 1st ses. 31st Cong., p. 671.) The most bitter and proscriptive Know-nothings have conceded that the foreigner might come to our land and enjoy the profits of his labor, demanding only that he be socially and politically degraded. But Mr. Fremont would go further: by his vote in the Senate, he said, that among the thousands of adventurers in California the foreigner shall not mingle. Although he may have declared his intention to become a citizen of the United States, he shall not be allowed the only profitable labor in California, but shall stand by until his full term of five year. shall have expired—the mines in the mean time being exhausted or wholly occupied. The labor was profitable, and therefore he should be excluded from it. That principle, thus supported by Mr. Fremont, goes further: it excludes the foreigner from our rich lands, where his labor would secure him a rich return in plentiful harvests, and says to him, social and political inferiority shall be your condition, and poor lands and unprofitable labor your portion in this land of plenty. The Know-nothing council of New York could well afford to nominate a man who has shown so unmistakably his sympathy with that order in its hostility towards the foreigner.

James Buchanan, the candidate of the democracy, proscribes no man because of his religion or birth-place, but, adopting the republican sentiment that each man shall be judged by his own conduct, he has supported wise, just, and equal laws; his political career has been a long and useful one; he has been tried, and proved himself an incorruptible patriot, qualified for all the high positions which he has filled; he is against sectionalism, and will maintain the Union—the whole Union—upon the firm basis of the constitution; and, to use his own language, he "will cultivate peace and friendship with all nations, believing this to be our highest policy, as well as our most imperative duty." With James Buchanan as the candidate of the national democracy, opposed to John C. Fremont, the nominee of the sectional Know-nothing and Black Republican conventions, can we doubt a glorious triumph for the Democracy and James Buchanan, of Pennsylvania?

The Black Republican party allege that the great excitement, now prevailing to such an alarming extent throughout the country, has legitimately resulted from the repeal of the so-called Missouri compromise; and, in their denunciation of the Kansas-Nebraska act, they appeal to the fathers for the justification of their action in resisting the passage of the bill; they invoke the names of Thomas Jefferson, James Madison, and James Monroe, to prove that the prohibition of slavery in the Territories by Congress was the settled doctrine of the early fathers. They would deceive you in the opinions entertained by those great statesmen, and would mislead you as to the cause of the excitement which is now almost wrecking this fair fabric. We quote from the fathers that they would invoke, to show that this excitement, properly and legitimately, is the consequence of the legislation

of 1820; that the prohibition of slavery in the territory north of 36° 30' was the first fire-brand to disturb the peace of the Union; that we are now realizing the almost prophetic language of that great statesman, Thomas Jefferson, when he said he considered the Missouri question "as the knell of the Union," and that "every new irritation would mark it deeper and deeper." But let these great men speak for themselves. In reference to sectionalism and the Missouri question, Jefferson said:

"The question is a mere party trick. The leaders of federalism, defeated in their schemes of obtaining power by rallying partisans to the principle of monarchism—a principle of personal, not of local division—have changed their tact and thrown out another barrel to the whale. They are taking advantage of the virtuous feeling of the people to effect a division of parties by a geographical line; they expect that this will insure them, on local principles, the majority they could never obtain on principles of federalism; but they are still putting their shoulders to the wrong wheel; they are wasting jeremiads on the miseries of slavery as if we were advocates of it. Sincerity in their declamations should direct their efforts to the true point of difficulty, and unite their councils with ours in devising some reasonable and practicable plan of getting rid of it."—*Jefferson's Writings*, vol. 7.

In a letter to Mr. Adams, dated January 22, 1821, he says:

"Our anxieties in this quarter are all concentrated in the question, What does the holy alliance, in and out of Congress, mean to do with us on the Missouri question? And this, by the way, is but the name of the case; it is only the John Doe or Richard Roe of the ejectment. The real question, as seen in the States afflicted with this unfortunate population, is, Are our slaves to be presented with freedom and a dagger? For, if Congress has the power to regulate the conditions of the inhabitants of the States within the States, it will be but another exercise of that power to declare that all shall be free. Are we, then, to see again Athenian and Lacedæmonian confederacies? To wage another Peloponnesian war to settle the ascendancy between them? Or is this the tocsin of merely a servile war? THAT REMAINS TO BE SEEN; BUT I HOPE NOT BY YOU OR ME. SURELY THEY WILL PARLEY AWHILE AND GIVE US TIME TO GET OUT OF THE WAY. What a bedlamite is man!"

In a letter to Lafayette, dated November 4, 1823, Mr. Jefferson said:

"On the eclipse of federalism with us, although not its extinction, its leaders got the Missouri question, under the false front of lessening the measure of slavery, but with the real view of producing a geographical division of parties, which might insure them the next President. The people of the North went blindfold into the snare, and followed their leaders for a while with a zeal truly moral and laudable, until they became sensible that they were injuring instead of aiding the real interests of the slaves; that they had been used merely as tools for electioneering purposes, and that trick of hypocrisy then fell as quickly as it had been got up."

In a letter to Mr. Short, dated April 13, 1820, Mr. Jefferson says:

"Although I had laid down as a law to myself never to write, talk, or even think of politics, to know nothing of public affairs, and had therefore ceased to read newspapers, yet the Missouri question aroused and filled me with alarm. The old schism of federal and republican threatened nothing, because it existed in every State, and united them together by the fraternity of party. But the coincidence of a marked principle, moral and political, with a geographical line, once conceived, I feared would never more be obliterated from the mind; that it would be recurring on every occasion, and renewing irritations, until it would kindle such mutual and mortal hatred as to render separation preferable to eternal discord. I have been among the most sanguine in believing that our Union would be of long duration. I now doubt it much, and see the event at no great distance, and the direct consequence of this question; not by the line which has been so confidently counted on—the laws of nature control this—but by the Potomac, Ohio, and Missouri, or more probably the Mississippi, upwards to our northern boundary. My only comfort and consolation is, that I shall not live to see it; and I envy not the present generation the glory of throwing away the fruits of their fathers' sacrifices of life and fortune, and of rendering desperate the experiment which was to decide ultimately whether man is capable of self-government. This treason against human hope will signalize their epoch in future history as the counterpart of the model of their predecessors."

"I thank you, my dear sir, for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. \* \* \* But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment; but this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once

conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. . . . If they would but dispassionately weigh the blessings they will throw away, against an abstract principle, more likely to be effected by union than by secession, they would pause before they could perpetrate this act of suicide on themselves and of treason against the hopes of the world."—*Letter to Jas. Holmes, dated March 12, April 22, 1820.*

"I am indebted to you for your two letters of February 7th and 19th. This Missouri question, by a geographical line of division, is the most portentous one I ever contemplated. . . . is ready to risk the Union for any chance of restoring his party to power, and wriggling himself to the head of it; nor is . . . without his hopes, nor scrupulous as to the means of fulfilling them."—*Letter to Mr. Madison.*

"The banks, bankrupt law, manufactures, Spanish treaty, are nothing. These are occurrences which, like waves in a storm, will pass under the ship; but the Missouri question is a breaker on which we lose the Missouri country by revolt, and what more, God only knows! From the battle of Bunker's Hill to the treaty of Paris, we never had so ominous a question! It even damps the joy with which I hear of your high health, and welcomes to me the want of it. I thank God I shall not live to witness its issue."—*Letter to John Adams, December 10, 1819.*

"The line of division lately marked out between different portions of our confederacy, is such as will never, I fear, be obliterated, and we are now trusting to those who are against us in position and principle, to fashion to their own form the minds and affections of our youth. If, as has been estimated, we send three hundred thousand dollars a year to the northern seminaries, for the instruction of our own sons, then we must have five hundred of our sons imbibing opinions and principles in discord with those of their own country. This canker is eating on the vitals of our existence, and, if not arrested at once, will be beyond remedy."—*Letter to General Breckenridge, February 11, 1821.*

"The Missouri question is the most portentous one which ever yet threatened our Union. In the gloomiest moment of the revolutionary war, I never had any apprehension equal to that I felt from this source."—*Letter to Mr. Monroe, March 3, 1820.*

### Mr. Madison said:

"On one side it naturally occurs, that the right being given from the necessity of the case, and in suspension of the great principle of self-government, ought not to be extended further, nor continued longer, than the occasion might fairly require.

"The questions to be decided seem to be, first, whether a territorial restriction be an assumption of illegitimate power; or, second, a misuse of legitimate power; and if the latter only, when the injury threatened to the nation from an acquiescence in the misuse, or from a frustration of it, be the greater.

"On the first point there is certainly room for difference of opinion; though, for myself, I must own that I have always leaned to the belief the restriction was not within the true scope of the constitution."—*Letter to Mr. Monroe in 1820.*

"Hearken not to the unnatural voice which tells you that the people of America, knit together as they are by so many cords of affection, can no longer live together as members of the same family—can no longer continue the mutual guardians of their mutual happiness—can no longer be fellow-citizens of one great, respectable, and flourishing empire. The kindred blood which flows in the veins of American citizens—the mingled blood which they have shed in defence of their sacred rights, consecrate their union, and excite horror at the idea of their becoming aliens, rivals, enemies. And if novelties are to be shunned, believe me, the most alarming of all novelties—the most wild of all projects—the most rash of all attempts, is that of rending us in pieces in order to preserve our liberties and promote our happiness."

[*The Federalist*, p. 86.]

"Should a state of parties arise, founded on geographical boundaries and other physical distinctions which happen to coincide with them, what is to control those great repulsive masses from awful shocks against each other?"—*Letter to Mr. Walsh, dated November 27, 1819.*

### General Harrison said:

"I am, and have been for many years, so much opposed to slavery, that I will never live in a State where it exists. But I believe that the constitution has given no power to the general government to interfere in this matter, and that to have slaves or no slaves depends upon the people in each State or Territory alone.

"But besides the constitutional objections, I am persuaded that the obvious tendency of such interferences on the part of the States which have no slaves with the property of their fellow-citizens of the others, is to produce a state of discord and jealousy that will in the end prove fatal to the Union. I believe in no other State are such wild and dangerous sentiments entertained on this subject as in Ohio."—*General Harrison in a letter to President Monroe in 1821.*

In reference to sectionalism, and the nullification of the acts of Congress, General Jackson said:

"The laws of the United States must be executed. \* Those who told you that you might peaceably prevent their execution, deceived you; they have not been deceived themselves. They know that a forcible opposition could alone prevent the execution of the laws, and they know that such opposition must be repelled. Their object is disunion; but be not deceived by names; disunion, by armed force, is ~~reason~~."—*Message of General Jackson, in 1833, on Nullification.*

"Appeals, too, are constantly made to sectional interests, in order to influence the election of the Chief Magistrate, as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten, or have designs already been formed to dissolve the Union?" \* \* \* \* "Mutual suspicion and reproaches may in time create mutual hostility; and artful and designing men will always be found who are ready to foment these fatal divisions and inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics."

"And no citizen who loves his country would, in any case whatever, resort to forcible resistance, unless he clearly saw that the time had come when a freeman should prefer death to submission." \* \* \* \* "Rest assured that men found busy in this work of discord are not worthy of your confidence, and deserve your strongest reprobation."

"In the legislation of Congress, also, and in every measure of the general government justice to every portion of the United States should be faithfully observed. No free government can stand without virtue in the people and a lofty spirit of patriotism; and if the sord feelings of mere selfishness shall usurp the place which ought to be filled by public spirit, the legislation of Congress will soon be converted into a scramble for personal and sectional advantages."—*Jackson.*

"And solemnly proclaim that the constitution and the laws are supreme, and the Union is dissoluble."—*Jackson's Message, Jan 16, 1833.*

In relation to the very questions now agitating the country, the Sage of Ashland said:

"Sir, I am not in the habit of speaking lightly of the possibility of dissolving this happy Union. The Senate know that I have deprecated allusions, on ordinary occasions, to that dreadful event. The country will testify that, if there be anything in the history of my public career worthy of recollection, it is the truth and sincerity of my ardent devotion to its lasting preservation. But we should be false in our allegiance to it if we did not discriminate between the imaginary and real dangers by which it may be assailed. Abolitionism should no longer be regarded as an imaginary danger. The abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free States, as one man, against the inhabitants of the slave States. Union on one side will beget union on the other, and this process of reciprocal consolidation will be attended with all the violent prejudice, embittered passions, and implacable animosities which ever degraded or deformed human nature. \* \* \* \* One section will stand in menacing and hostile array against the other. The collision of opinion will be quickly followed by the clash of arms. I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man."—*Speech of Mr. Clay in the U. S. Senate on the 7th of February, 1839.*

In the same speech Mr. Clay summed up what the abolitionists wanted, as follows:

"And the third class are the real ultra abolitionists, who are resolved to persevere in the pursuit of their object at all hazards. With this class the immediate abolition of slavery in the District of Columbia, the prohibition of the removal of slaves from State to State, and the refusal to admit any new State comprising within its limits the institution of domestic slavery, are but so many means conducing to the accomplishment of the ultimate but perilous end, at which they avowedly and boldly aim, are but so many short stages in the long and bloody road to the distant goal at which they would finally arrive. Their purpose is abolition—universal abolition—peaceably if they can, forcibly if they must."

The Fremont party of 1856 has assumed a position identical with the abolition party of 1839. How well the picture of abolitionism, drawn by Mr. Clay in 1839, suits the Republican party of the present day. They have but one common aim—the dissolution of this Union.

Mr. Clay, in speaking of our Catholic citizens, said:

"With regard to their superstition, they worship the same God with us. Their prayers are offered up in their temples to the same Redeemer, whose intercession we expect to serve us. NOR IS

**THERE ANYTHING IN THE CATHOLIC RELIGION UNFAVORABLE TO FREE-DOM.** All religions united with government are more or less inimical to liberty: All separated from the government are compatible with liberty."—*Speech in Congress, March 21, 1818.*

And in reference to our adopted citizens, he made use of the following language:

"The honest, patient, industrious GERMAN readily unites with our people, establishes himself on some of our fat lands, fills his capacious barns, and enjoys in tranquillity the abundant fruits which his diligence gathers around him, always ready to fly to the standard of his adopted country, or of its laws, when called by duties of patriots."

"The gay, the versatile, the philosophical FRENCHMAN accommodates himself cheerfully to all the vicissitudes of life, incorporates himself without difficulty in our society."

"But of all foreigners, none amalgamate themselves so quickly with our people as the NATIVES OF THE EMERALD ISLE. In some of the visions which have passed through my imagination, I have supposed that Ireland was originally part and parcel of this continent, and that by some extraordinary convulsion of nature it was torn from America, and, drifting across the ocean, was placed in the unfortunate vicinity of Great Britain."

"The same open-heartedness, the same generous hospitality, the same careless and uncalculating indifference about human life, characterized the inhabitants of both countries. Kentucky was sometimes been called the Ireland of America. And I have no doubt that if the current of emigration were reversed, and set from America upon the shores of Europe, every American emigrant to Ireland would there find, as every Irish emigrant here finds, a hearty welcome, and a happy home."—*Speech in the United States Senate in defence of the American System.*

The democracy now stand where Jefferson and Madison stood; they have restored our territorial policy as it existed prior to that violent and unconstitutional departure in 1820. The exigencies demanded, and the democracy, true to the rights of man and the equality of the States, gave the country the compromise measures of 1850. These were endorsed by the Baltimore convention, ratified by the people in 1852 by the election of Franklin Pierce, reaffirmed by the democracy in the Kansas-Nebraska act of 1854, re-endorsed by the Cincinnati convention, and will stand confirmed by the American people in 1856 by the election of James Buchanan to the presidency.

This vindication of the right of the people to form their own domestic institutions is a vindication of the instructions given by the colonies to their delegates to form a confederation—a vindication of the spirit and letter of the immortal Declaration of Independence—a vindication of our glorious constitution, and a vindication of the inalienable rights of an American citizen.

Our opponents have been uniform in their hatred and denunciation of the Democratic party; they opposed the election of Jefferson, of Madison, and of Jackson; they repudiated the Louisiana purchase; they denounced the war of 1812, and burnt blue-lights in their windows to light the enemys' ships into our harbors; they endeavored to defeat the purchase of the Floridas and the annexation of Texas, and would have welcomed our brave soldiers in Mexico "with bloody hands to hospitable graves;" they forced upon the people the restriction of 1820 by refusing to admit Missouri into the Union, and repudiated it in 1848 by opposing its extension to the Pacific. The legitimate consequence of such repudiation was the compromise of 1860, the passage of which they resisted by every parliamentary expedient, and by every appeal to a false and fanatical philanthropy. They counselled revolution on the floor of Congress; in resistance to the passage of the Kansas-Nebraska act, because it carried out the great principles

embodied in the compromise of 1850. They would subvert, through emigrant aid societies and other appliances, the practical development of non-intervention by Congress, and the right of the people to govern themselves; they would counsel the incendiary torch and the assassin's knife against the most sacred rights of American freemen in the Territory of Kansas; they have a deep and profound hatred against, and denounce in unmeasured terms, the doctrine that the *bona fide* residents of Kansas should adjust their domestic affairs in their own way; they have sought foreign aid, and have carried foreign assistance into the Territory of Kansas for the express purpose of interfering in the domestic policy of the people of that Territory; they are the authors and instigators of, and before God and man are responsible for, all the outrages, the arsons, and the murders in Kansas.

The democracy, true to the great doctrine of the early fathers, true to the rights of the States, the constitution, the Union, and ever watchful of the peace, happiness, and prosperity of a free people, have sought, by wise and pacific legislation, to rescue the people of Kansas from the anarchy, the rapine, and murder brought upon them by the Black Republican party.

The democratic Senate, on the 3d of July, 1856, after a continuous session of twenty-one hours, passed, and sent to the Black Republican House, a great pacific measure, declaring null and void those acts of the Kansas Legislature repugnant to the bill of rights as embodied in our great charter of liberty—a measure which secures the freedom of speech, the freedom of the press, and the writ of habeas corpus—prohibits religious tests for office, or an established religion—protects the rights of conscience, the persons and property of the people, and their right to hold and bear arms—forbids excessive bail, excessive fines, and cruel and unusual punishments—declares that no test-oath, or oath to support any act of Congress or other legislative act, shall be required as a qualification for any office or trust, or for any employment or profession, or to serve as a juror, or to vote at an election—and that no tax shall be imposed upon the exercise of the right of suffrage, and guarantees to the people the free discussion of any law or subject of legislation, and in a free expression of opinion upon all questions whatever—provides for the appointment of five commissioners to arrange the preliminaries and superintend the election; for the registration of voters, and all other needful regulations necessary to a fair and impartial expression at the ballot-box of the *bona fide* residents of Kansas; and pledges the entire military force of the government to a pure and untrammelled ballot-box. If any resident shall have left the Territory, he is protected in his rights, provided he shall return by the 1st day of October, 1856. If any person is imprisoned for a violation of the obnoxious laws of Kansas, his prison-doors are opened, and he is restored to all his rights. But it also provides that the people, the *bona fide* residents of Kansas, shall regulate and form their domestic institutions in their own way, subject only to the constitution of the United States; and they shall be admitted into the Union on a footing with the original States whenever they shall present a constitution with a republican form of government. Every Black Republican senator re-

sisted the bill at its various stages, and voted against it on its passage. Let it be proclaimed to the people, let it be known in every town and hamlet, that the democracy have given a fair and honest bill—one that will restore peace to a distracted country, correct the outrages and murders in an unhappy Territory, vindicate the majesty of the law, and protect the American citizen in an inalienable right—that the democracy have given such a bill to the Black Republican House of Representatives for their action. If they desire tranquillity in the States, peace and happiness to Kansas, and a correction of the violent abuses and outrages committed, they will immediately pass the Senate bill; but if outrage upon outrage and blood upon blood is necessary to the accomplishment of their political ends, necessary to the election of John C. Fremont, then will they refuse to pass the bill or to give repose to Kansas.

*U. S. Congress, Senate*  
*on the Territories*  
IN THE SENATE OF THE UNITED STATES

June 30, 1856.—Ordered to be printed.

Printed by Mr. Jones, of Tennessee, to print 10,000 additional copies referred to the Committee on Printing.

Mr. Dorenas made the following

**REPORT.**

[To accompany Bill S. 336.]

The Committee on Territories, to which was recommitted "a bill to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union, when they have the requisite population;" and to which was referred "a bill to restore order and peace in Kansas;" and "a bill supplementary to an act to organize the Territories of Nebraska and Kansas," and to provide for the faithful execution of the said act in the Territory of Kansas, according to the true intent and meaning thereof;" and an amendment proposed by Mr. Seaward, to the bill (S. 112,) to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union, when they have the requisite population;" and "an amendment" proposed by Mr. Toombs as a substitute for the last named bill, (S. 112,) have examined and considered the same, and beg leave to report:

The existing government in the Territory of Kansas was organized in pursuance of an act of Congress approved May 30, 1854, instituting temporary governments for the Territories of Nebraska and Kansas, preliminary to their admission into the Union on an equal footing with the original States, so soon as they should have the requisite population. The organic law of Kansas is identical with that of Nebraska in all its provisions and principles. Each is based on the great fundamental principle of self-government which underlies our whole system of republican institutions, as promulgated in the Declaration of Independence, consecrated by the blood of the revolution, and consolidated and firmly established by the Constitution of the United States. Each recognizes the right of the people thereof, while a Territory, to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States, and to be received into the Union as soon as they shall attain the requisite number of inhabitants, on an equal footing with the original States in all respects whatever. These two Territories were the

organized in 1854 under the authority of the same act of Congress, with equal rights, privileges, and immunities, and with the same safeguards and guarantees for the quiet enjoyment of their liberties, without molestation by foreign interference or domestic violence.

In Nebraska, the inhabitants have enjoyed all the blessings which it is possible for a law-abiding people to derive from the faithful administration of a wise and just government. Life, liberty, and property have been held sacred, the elective franchise has been preserved inviolate, and all the rights of the citizen have been protected against fraud or violence by laws of his own making. These are the legitimate fruits of the principle, the practical results of fidelity to the provisions of the Nebraska organic act. There was no foreign interference with their domestic affairs, no fraudulent attempt to control the elections by non-resident voters. Emigrant aid societies, with their affiliated associations and enormous capital, did not extend their operations to Nebraska, and hence there were no counter schemes formed to control the elections and force institutions upon the Territory regardless of the rights and wishes of the *bona fide* inhabitants. The principle of the organic law, the right of the people to manage their internal affairs and control their domestic concerns in obedience to the Federal Constitution, was permitted to have fair play, and work out its natural and legitimate results. Hence peace, security, and progress, in all the elements of prosperity in this Territory, have vindicated the wisdom and policy of the Nebraska act.

Fortunate would it have been for the peace and harmony of the republic, and still more fortunate for the unhappy people of Kansas, had they been permitted, in the undisturbed enjoyment of their acknowledged rights, to derive similar blessings from the same organic law. Your committee can perceive no reason why the same causes should not have produced like results in Kansas but for the misguided efforts of non-residents of the Territory, citizens of the different States, who had no moral or legal right to interfere with the elections and legislation of the Territory, to seize upon the legislative power through the ballot-box, and thus control the local and domestic institutions of a feeble and sparsely settled Territory. Upon this point we have had no reason to doubt, but much to strengthen and confirm, the correctness of the views contained in the report of the Committee on Territories of the 12th of March last, to wit:

"In tracing, step by step, the origin and history of these Kansas difficulties, your committee have been profoundly impressed with the significant fact, that each one has resulted from an attempt to violate or circumvent the principles and provisions of the act of Congress for the organization of Kansas and Nebraska. The leading idea and fundamental principle of the Kansas-Nebraska act, as expressed in the law itself, was to leave the actual settlers and *bona fide* inhabitants of each Territory perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. While this is declared to be the true intent and meaning of the act, those who were opposed to allowing the people of the Territory, preparatory to their admission into the Union as a State, to decide the slavery question for themselves, failing to account

plish their purpose in the halls of Congress; and under the authority of the Constitution, immediately resorted in their respective States to unusual and extraordinary means to control the political destinies and shape the domestic institutions of Kansas, in defiance of the wishes and regardless of the rights of the people of that Territory as guaranteed by their organic law. Combinations in one section of the Union to stimulate an unnatural and false system of emigration, with the view of controlling the elections, and forcing the domestic institutions of the Territory to assimilate to those of the non-slaveholding States, were followed, as might have been foreseen, by the use of similar means in the slaveholding States, to produce directly the opposite result. To these causes, and to these alone, in the opinion of your committee, may be traced the origin and progress of all the controversies and disturbances with which Kansas is now convulsed.

If these unfortunate troubles have resulted as natural consequences from unauthorized and improper schemes of foreign interference with the internal affairs and domestic concerns of the Territory, it is apparent that the remedy must be sought in a strict adherence to the principles, and rigid enforcement of the provisions of the organic law."

The correctness of this position in respect to the causes of "these Kansas difficulties," *"that each one has resulted from an attempt to violate or circumvent the principles and provisions of the Kansas-Nebraska act,"* and that *"the remedy must be sought in a strict adherence to the principles, and rigid enforcement of the provisions of that act,"* is recognized and affirmed in the provisions of *"a bill to restore order and peace in Kansas,"* introduced by the senator from Illinois (Mr. Trumbull) and referred to this committee. The first section provides *"that for temporary purposes, and till Congress shall otherwise direct, the Territory of Kansas be, and the same hereby is, annexed to and made part of the Territory of Nebraska, and all the laws now in force in the Territory of Nebraska, and not locally inapplicable, are hereby extended to and over the Territory of Kansas, and shall have the same force and effect therein as they now have in Nebraska Territory,"* &c.

The second section provides that all offices in Kansas shall be vacated, and *"recognizes the validity and binding force of the acts passed by the territorial legislature of Kansas,"* but contains a repealing clause to take effect on the passage of this act.

The bill does not propose to repeal the organic act of Kansas Territory, nor to restore the Missouri compromise, for the obvious reason that its sole object, as stated in the title, is *"to restore order and peace in Kansas."* Inasmuch as the passage of the Kansas-Nebraska act and the repeal of the Missouri compromise have produced *"order and peace"* in Nebraska, and could have had no influence in creating the present difficulties in Kansas, the repeal of the former and the restoration of the latter would not have accomplished the objects of the bill. On the contrary, the bill proceeds on the theory that the best, if not only mode, to restore order and peace in Kansas, is to place the people of that Territory directly under the protection of the Nebraska act, according to the true intent and meaning thereof, and thus leave them *"perfectly free to form and regulate their domestic*

institutions in their own way, subject only to the Constitution of the United States, *with the right to come into the Union with or without slavery, as their constitution may prescribe at the time of admission.*"

Your committee fully concur in the objects of the bill as thus understood and expressed, but perceive serious obstacles in the way of accomplishing these objects in the mode proposed. In the first place, the present difficulties in Kansas, although produced by the causes already stated, arise out of the fact that there is a large body of armed men in that Territory thoroughly organized for the avowed purpose of resisting to "a bloody issue" the laws and constituted authorities of the Territory, and to that end have established and put in partial operation an independent government in conflict with the government established by Congress and in defiance of its authority. If Kansas should be annexed to Nebraska, and still left under the same organic law, the difficulties are not removed so long as the rebellion continues and the revolutionary government exists in defiance of the authority of Congress. The effect would be to aggravate the evil and enlarge the theatre of its disasters.

Your committee can perceive no wisdom or justice in making the people of Nebraska involuntary parties to an organized system of lawless violence which they have had no agency in producing, and from the calamities of which they are entitled to be exempted by their fidelity to the Constitution and laws of the land. Besides, if the reasons assigned for refusing obedience to the laws of Kansas are well founded, the same objections would apply with much greater force to obeying the laws of Nebraska. If the assumption that some non-residents participated in the elections, and to that extent affected the legislation of Kansas, be a sufficient justification for resisting all the laws enacted by the legislature, the fact that none of the inhabitants of Kansas had any voice in making the laws of Nebraska, which it is now proposed to extend over them by an act of Congress, without their consent, would furnish a much more plausible pretext for resisting the laws of Nebraska. If it be said that some of the enactments of the Kansas legislature are obnoxious to that portion of the inhabitants who resist the constituted authorities in the execution of the laws of that Territory, what assurance have we that the same persons would not find fault with some of the enactments of the Nebraska legislature, and assign the double reason for refusing obedience to them; first, that they had no voice in making them, and second, that they were opposed to them, and would not obey any law they do not like. For the reasons stated, your committee cannot recommend the proposition to annex Kansas to Nebraska as a measure calculated "to restore order and peace in Kansas."

The next proposition in the order in which they were referred to your committee is the "Bill supplementary to an act to organize the Territories of Nebraska and Kansas," introduced by the senator from Delaware, (Mr. Clayton.) This bill embraces two leading ideas, the one to reorganize the legislature of the Territory, and the other to admit Kansas into the Union on an equal footing with the original States, in compliance with the principles and provisions of the Kansas-Nebraska act, whenever it should be ascertained by a census that the

Territory contained a federal population of ninety-three thousand four hundred and twenty inhabitants. So much of the bill as relates to the admission of the State is, in substance, a copy of the one reported by the Committee on Territories on the 17th of March last, and hence may be assumed to possess all the advantages which may be fairly claimed for that proposition, and liable to whatever objections may be justly urged against it. That portion of the bill which provides for the reorganization of the legislature contains some wise and excellent provisions, especially those intended to guard the elective franchise against fraud and violence, and to ensure a free and fair expression of the popular voice through the ballot box; while others are liable to serious and fatal objections in consequence of their repugnance to the great principle embodied in the Kansas-Nebraska act, and affirmed in the preamble, although not sustained by all the provisions of the bill under consideration.

The next in order is "a bill supplementary to an act to organize the Territories of Nebraska and Kansas, and to provide for the faithful execution of the said act in the Territory of Kansas, according to the true intent and meaning thereof," introduced by the senator from Missouri, (Mr. Geyer.) This bill makes no provision for the admission of Kansas into the Union, and has for its main object efficient provisions for preserving the sanctity of the ballot box, and to throw such safeguards around the elective franchise as would effectually protect it from fraud, violence, intimidation, or any other improper influence, which would prevent a fair expression of the popular will in all elections in the Territory. Most of the provisions of this bill are admirably adapted to the objects in view, and, should it be determined to pass no law for the admission of Kansas into the Union, your committee would not hesitate to adopt most of them, with some modification, as the best solution of the existing difficulties in Kansas.

The two remaining propositions referred to your committee relate to the same subject matter, and, although entirely different in their character, will be considered together. They are, first, an amendment in the form of a substitute, proposed by the senator from New York, (Mr. Seward,) to the bill reported by the Committee on Territories on the 17th of March last, and the other an amendment in the form of a substitute for the same bill, proposed by the senator from Georgia, (Mr. Toombs.) The amendment of the senator from New York, which he proposes as a substitute for the entire bill, provides for the immediate admission of Kansas into the Union, without making any provision for the formation of a constitution, or the establishment of a State government. It may be the intention of the author of this proposition to recognize and put in operation a paper framed at Topeka in October last, and called "a constitution of the State of Kansas," a portion of which has been presented to the Senate and referred to this committee, although the boundaries and territory described and embraced within the provisions of said pretended constitution are widely different from those described and provided for in the proposition of the senator from New York. For instance, while the State which the senator from New York proposes to admit is

described in his proposition to be bounded on the west by the 103d meridian of longitude, that provided for in the Topeka constitution extends several hundred miles beyond that meridian and joins the Territory of Utah, and meanders the summit of the Rocky Mountains for its western boundary, and thus embracing a Territory larger than the combined area of several of the New England States, which is not contained within the limits of the State proposed to be admitted by the amendment of the senator from New York. The fact that the amendment of that senator does not refer to the Topeka constitution, nor to any other constitution, nor to any supposed State government in Kansas, taken in connexion with this vast discrepancy in the boundaries and territory proposed to be embraced within the limits of the proposed State, would authorize the presumption that he proposes to ignore and reject the Topeka constitution and State government, at the same time that he subverts the territorial government established by Congress, and thus leave the inhabitants without any government, or law, or protection of any kind, free to defend their rights and settle all matters in dispute by the arbitrament of the sword. Such, in the opinion of your committee, would be the fair interpretation and inevitable effect of the proposition of the senator from New York, if it should unfortunately become the law of the land. If, on the other hand, he should revise and reconstruct his proposition in such a manner as to recognize and legalize the Topeka constitution and State government, it becomes important to inquire into the legality, regularity, and fairness of the proceedings, with the view of ascertaining whether it was the work of the whole body of the people of Kansas, or the act of a political party, or of a mere faction, being a small minority of the inhabitants, whose chief grievance consisted in the fact that they could not control the majority.

It is not pretended that any of the proceedings which resulted in the formation of the Topeka constitution were had in pursuance of law. The preliminary meetings, the calling of the convention, the appointment of delegates, the assembling of the convention, the formation of the constitution, the voting on its ratification, the election of officers under it—each and every step in the whole movement was not only without the authority of law, but a part of a scheme, openly and boldly avowed in their meetings and conventions, having for its object the subversion of the government established by authority of Congress in said Territory. They refused to recognize the validity of the laws of the Territory, or the authority of the officers appointed to carry them into effect. Hence there was no law prescribing the qualifications of voters, or excluding illegal votes, or prohibiting any person from voting as many times as he pleased, at as many different places as he chose on the same day. No law providing for the appointment of judges of elections, none prescribing the usual oath, no officer to administer the oath, and no law to punish its violation. In short, there was no regularity, no legality, no security for fairness, no safeguards against fraud in any of their proceedings. Besides, the whole movement was the work of a political party and not the action of the great body of the people irrespective of party. Their meetings were party meetings, their conventions were party conventions, their

resolutions were of a nature which necessarily precluded the co-operation of every man who felt it his duty to yield obedience to the laws and constituted authorities of the Territory under the organic act. Hence it was strictly a partizan movement—a movement of the law-resisting party in opposition to the law-abiding party. It was not a question between those who approved and those who disapproved the laws of the Kansas legislature; for many good citizens preferred obedience to a code of laws, a portion of which they did not approve, so long as they were held to be constitutional by the courts and remained upon the statute book, as a less evil than armed resistance and lawless violence. Thus it was a partizan movement—an organization of the law-resisting party against the law-abiding party; and the most that can be claimed for it is, that it received the sanction of a decided majority of its own party.

The question now arises, whether a constitution, made by a political party, without the authority of law, and under circumstances which afford no safeguards against fraud, and no guarantees of fairness, and raises no presumptions that it embodies the wishes and sentiments of a majority of the inhabitants, shall be forced, by an act of Congress, upon a whole people as their fundamental law, unalterable for nine years.

In the opinion of your committee, whenever a constitution shall be formed in any Territory, preparatory to its admission into the Union as a State, justice, the genius of our institutions, the whole theory of our republican system, imperatively demand that the voice of the people shall be fairly expressed, and their will embodied in that fundamental law, without fraud or violence, or intimidation, or any other improper or unlawful influence, and subject to no other restrictions than those imposed by the Constitution of the United States.

It is true that each party claimed, at the time the Topeka constitution was formed, and now claims, to have a large majority of the legal voters in Kansas, in opposition to the pretensions of the opposite party. Each party has always professed a willingness to test and decide this disputed point in respect to the majority, at the ballot box, whenever the elective franchise can be exercised in security and protected against illegal voting, fraud, and violence, and a fair expression of the popular voice thus obtained. The amendment proposed by the senator from Georgia, (Mr. Toombs,) as a substitute for the original bill of the committee, has been prepared expressly with reference to attaining this desirable result. Your committee have carefully examined and revised the proposition of the senator from Georgia, and made such alterations in its details as in their opinion would promote its efficiency, and now present an outline of its provisions to the consideration of the Senate. It provides for the appointment, by the President, with the advice and consent of the Senate, of five commissioners, whose duty it shall be to take an accurate census of all the persons authorized by the act to vote, and make a fair apportionment among the different counties according to the number of legal votes, and to cause the said apportionment together with a list of all the legal voters in each county, (specifying the name of each voter,) to be published and generally circulated throughout the Territory, and one copy to be deposited in the clerk's office of each county, and other copies posted up in at least three of the most public places in each voting precinct, to the end that every inhabitant of the Territory may have the opportunity of pointing out any error that may occur on said list, either of the omission or insertion of any name improperly, and apply to the commissioners to have the error corrected. The commissioners are then required to remain in session each day, (Sundays excepted,) until the 20th of October, at such places in the Territory as will be most convenient to the inhabitants, to hear complaints, examine witnesses, and correct all errors in the said lists of voters. When all the errors shall have been corrected, and the revised lists shall have been completed, the commissioners are required to have them published and generally circulated throughout the Territory before the day of election, and one copy thereof to be deposited in the clerk's office of each county, one copy to be delivered to each judge of election, and three copies to be posted up at each place of voting in the Territory.

The election of delegates to a convention to form a constitution is to take place in the month of November next, on the day of the presidential election, and no person is to be permitted to vote whose name does not appear on said corrected lists. Those who are entitled to have their names appear on said lists as legal voters, and who will have the right to vote, are all white male citizens of the United States, (including all persons who shall have taken the preliminary oath to become citizens in compliance with the naturalization laws of the United States,) over twenty-one years of age, and who were *bona fide* inhabitants of the Territory on the 4th day of July, 1856, and shall have been actual residents of the county three months next preceding the day of election. No other qualifications or tests are required for a voter.

The delegates are to assemble in convention at the seat of government of the Territory on the first day of December, and then to decide, first, whether it be expedient or not for Kansas to come into the Union at that time, and if deemed expedient, to proceed to form a constitution and State government, which shall be republican in form, preparatory to admission into the Union on an equal footing with the original States in all respects whatever. The board of commissioners, it is supposed, will be composed of men of the highest character for integrity and impartiality, and divided as nearly equal as may be between the great political parties of the country, with a view not only of ensuring entire fairness, but also of furnishing satisfactory evidence to the whole country that everything will be fairly and impartially done.

There are many other provisions in the bill, mostly matters of detail, but well devised and adapted to carrying out the main design. Among these is a bill of rights, copied from the Constitution of the United States and the amendments to that instrument, declaring that "no religious test shall ever be required as a qualification to any office or public trust;" that no law shall be in force or enforced in said Territory "abridging the freedom of speech or of the press, or of the right of the people to assemble and to petition government for redress of grievances;" and that "the right of the people to keep and bear arms shall not be infringed," &c., &c.

Your committee will not weary the Senate with a summary of all the provisions and details of the proposition of the senator from Georgia in its revised form. It is believed to be well adapted to the object, and, if it becomes the law of the land, that it will insure a fair and impartial decision of the questions at issue in Kansas, in accordance with the wishes of the *bona fide* inhabitants of the Territory, without fraud, violence, or any other improper or unlawful influence.

The point upon which your committee have entertained the most serious and grave doubts in regard to the propriety of endorsing this proposition relates to the fact that, in the absence of any census of the inhabitants, there is reason to apprehend that the Territory does not contain sufficient population to entitle them to demand admission under the treaty with France, if we take the ratio of representation for a member of Congress as the rule. If, however, we are to regard this as the competing or antagonizing measure to the proposition of the senator from New York, (and we are inclined to the opinion that such is the view of the Senate,) your committee can have no hesitation in recommending its adoption. Nearly a whole year has elapsed since the initiatory steps were taken for the election of delegates and the holding the convention for the formation of the Topeka constitution. Nearly a year's emigration has since poured into that Territory, an emigration unparalleled in extent and character, stimulated in every portion of the Union by appeals to passion and interest, to ambition and patriotism, to every feeling and sentiment which could induce men to abandon the scenes of their childhood and the graves of their ancestors, and seek a home in a new and distant Territory, with the hope of improving their condition and controlling its destinies. Under these circumstances, it is but fair to assume that the population has more than doubled within that period, and that each man has gone there with the expectation and understanding that he was to have a voice and vote in the formation of its laws, institutions, and government, in accordance with the principles and provisions of the Kansas-Nebraska act.

The revised proposition of the senator from Georgia refers all matters in dispute to the decision of the present population, with guaranties of fairness and safeguards against fraud and violence, to which no reasonable man can find just ground of exception; while the senator from New York, if his proposition is designed to recognize and impart vitality to the Topeka constitution, proposes to disfranchise, not only all the emigrants who have arrived in the Territory this year, but all the law-abiding men who refused to join in an act of open rebellion against the constituted authorities of the Territory last year, by making the unauthorized and unlawful action of a political party the fundamental law of the whole people.

In view of all the difficulties and embarrassments which surround the question, and with the anxious desire to restore harmony and fraternal feeling to the Union, and peace, quiet, and security to Kansas, your committee recommend that the following be adopted in lieu of Senate bill No. 172.

Your committee ask to be discharged from the further consideration of the various bills and amendments referred to them in connexion with this subject, together with the Topeka constitution.

## READ AND REFLECT!

1. Let every lover of his country remember that during the present Congress, as will be shown by the following official records, the Republican (Frontier) party have voted to violate the most solemn treaties of the United States with the Indians.

2. That they have voted to violate the compact with Texas, by which the United States purchased all that part of Texas north of 36° 30' and included it in New Mexico, with the guarantee, "that when admitted as a State the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission."

3. That they have, by their votes, repudiated the compromise measures of 1850, which contained the same guarantee in respect to the Territories of New Mexico and Utah, and to the support of which every Whig and every Democrat stood pledged by the platforms of the two great parties in 1853.

4. That they have voted to legalize and establish hereditary slavery in the whole of Kansas, and to introduce and establish slavery in a part of New Mexico, and to declare that children who shall be hereafter born to be slaves for life and their posterity after them, in violation of the great principles of self-government and State equality, which should leave the people of each State and Territory perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.

5. That they have voted for a bill which recognizes the validity and binding force of all the laws enacted by the territorial legislature of Kansas at Shawnee Mission, and which, in their speeches, they have pretended to be illegal and void, inhuman and barbarous.

6. That they have voted in the same bill that all those Kansas enactments shall be enforced and carried into faithful execution, except the criminal code, which provides for the punishment of murder, robbery, larceny, arson, and other crimes punishable by the criminal codes of all civilized countries.

7. That they have voted to grant to all persons guilty of these crimes a general pardon for the past, and a full license to prosecute their bloody deeds to legalized impunity in the future, at the same time that they pretend that these crimes have all been perpetrated by organized bands of armed pro-slavery men and border ruffians upon unoffending and peaceable free State men.

8. That they provided in the same bill, in effect, that no person shall even be punished in Kansas for illegal voting, for violence at the polls, or for fraud in conducting the election, by declaring that the only law which provides punishment for these offences shall never be enforced, while they pretend that large bodies of armed ruffians are in the habit of invading the Territory, seizing possession of the polls, driving away the lawful voters, and forcing a legislature upon the people contrary to their wishes.

9. That while legalizing slavery in Kansas until 1861, which is probably beyond the period when it would become a State of the Union, they have voted to prohibit slavery therein forever from and

after that period, regardless of the wishes and in violation of the constitutional rights of the people to decide that question for themselves.

10. That they have refused to pass a bill which had been twice passed by the Senate, to declare inoperative and void all laws and enactments in Kansas in violation of the freedom of speech or of the press, or any other great principle of liberty and justice intended to be secured and protected by the Constitution of the United States and the organic act, at the same time that they advise their party in the Territory to resist the constituted authorities and raise the standard of rebellion against the territorial government established by Congress, and assign as their only excuse the existence of these same obnoxious laws, which they refuse to concur with the Senate in annulling.

11. That they have voted amendments on the general appropriation bills for the payment of the civil expenses of the government, intended to destroy the independence of the judiciary, and corrupt the judges, by making the payment of their salaries depend upon the particular way in which they should decide certain cases pending in their courts.

12. That they have voted amendments on the army appropriation bill, providing that the officers and soldiers of the army should not receive the pay, provisions, and clothing necessary for their subsistence, and to which they are entitled by law, when employed in aid of the enforcement of the enactments of the Kansas legislature, which they have recognized as valid and required to be enforced by the bill for which they all voted.

13. That they have, by their votes, instructed the President of the United States to proclaim martial law in the Territory of Kansas and on the national highways leading to it, and to protect persons and property with the bayonet and the sword, making his own will the law of the land for that purpose, at the same time that they say in their speeches and newspapers that the President has shown himself a traitor to all the free States, and forfeited the confidence of the whole country.

14. Let it be remembered and proclaimed everywhere that each of the above statements and specifications are established by the journals and archives of the two Houses of Congress, and are conclusively proven by the following official records, the truth of which no honest man will deny.

15. Let it also be remembered that when they discovered that these obnoxious and unconstitutional amendments to the appropriation bills must necessarily result in the defeat of those bills, and thus stop the wheels of government, (although they insisted their amendments to both bills were alike essential to the cause of freedom in Kansas,) they immediately took the back track, abandoned their amendments, and allowed the civil bill to become a law, which contained the appropriation for their own pay and the pay of all civil officers and employees who had votes to give at the ensuing elections, but at the same time insisted upon their amendments to the army bill, and thus defeated the pay of the officers and soldiers who had no votes to give.

Let these things be remembered, and read the following official records in proof of the facts stated.

IN THE SENATE OF THE UNITED STATES, AUGUST 11, 1856

Mr. DOUGLAS made the following

## REPORT.

[To accompany bill H. R. 75.]

*The Committee on Territories, to whom was referred a bill from the House of Representatives, for "An act to reorganize the Territory of Kansas, and for other purposes," beg leave to report:*

The first section of the bill provides, "That all that part of the Territory of the United States which lies between the parallels of thirty-six degrees and thirty minutes and forty degrees of north latitude, and which is east of the eastern boundary of the Territory of Utah to the southeast corner thereof, and east of a line thence due south to the said parallel of thirty-six degrees thirty minutes north latitude, and is bounded on the east by the western boundary of the State of Missouri, shall constitute one Territory, and shall be, and hereby is, constituted and organized into a temporary government, by the name of the Territory of Kansas."

By reference to the map it will be perceived that, in addition to all the country embraced within the limits of the present Territory of Kansas, it is proposed to include in the new Territory all the country between the southern boundary of the Territory, as now defined by law, and the parallel of  $36^{\circ} 30'$ , extending from the western boundary of the State of Missouri across more than twelve and a half degrees of longitude, and being about thirty-five miles in width at the eastern, and one hundred and five at the western extremity. The eastern portion of this strip of country, which it is now proposed to incorporate within, and render subject to the jurisdiction of, the Territory of Kansas, was ceded with other territory to the Cherokee Indians, by the treaties of the 6th of May, 1828, April 12th, 1833, and May 23, 1836, for "a permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever—A HOME THAT SHALL NEVER, IN ALL FUTURE TIME, BE EMBARRASSED BY HAVING EXTENDED AROUND IT THE LINES, OR PLACED OVER IT THE JURISDICTION OF A TERRITORY OR STATE, nor be pressed upon by the extension in any way of any of the limits of any existing Territory or State."

In view of this "most solemn guaranty of the United States" to the Cherokees, your committee cannot refrain from the expression of the hope and belief that the House of Representatives, in passing a bill to extend around this Indian country the lines of Kansas, and render it subject to the jurisdiction of that Territory, acted without due consideration, and probably without a full knowledge of these treaty stipulations. When the organic act of Kansas was passed in 1854, the parallel of thirty-seven was fixed upon as the southern boundary of the Territory instead of the line of thirty-six degrees and thirty minutes, with the view to the preservation of faith on the part of the United States towards these Indians; and lest injustice might be done to other Indian tribes who held their lands under treaties with the United States, it was expressly provided, "That nothing in this act contained shall be construed to impair the rights of persons or property now pertaining to the Indians in said Territory, so long

as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory which, by treaty with any Indian tribe, is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Kansas." In these considerations your committee find insuperable objections to that portion of the bill from the House of Representatives which proposes to include within the limits, and render subject to the jurisdiction of the Territory of Kansas, any part of the country which is thus secured to the Indians by solemn treaty stipulations.

Nor are the objections less formidable to incorporating within the limits of Kansas that portion of the Territory of New Mexico which lies north of the line of  $36^{\circ} 30'$ , and east of the Rio Grande, and subjecting it to the operation of the other provisions of the bill. That part of New Mexico, containing about 15,000 square miles, was purchased from Texas by one of the acts known as the compromise measures of 1850, and formed a part of the territory for which the United States paid the State of Texas ten millions of dollars. The second section of the act of Congress which contains the terms and conditions of the compact between the United States and Texas for the purchase of that Territory, incorporates the same in the Territory of New Mexico, with the following guarantee: "*And provided further, that when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of their admission.*"

After asserting this great principle of State equality as applicable to every portion of New Mexico under the Constitution, and as guaranteed in the compact with Texas, by fair intendment, so far as the country was acquired from that State, the seventh section of the same act provides that the legislative power of the said Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act"—thus leaving the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution. It is now proposed in the bill under consideration to repudiate these guarantees and violate these great fundamental principles, by annexing to Kansas all that portion of the country acquired from Texas which lies north of  $36^{\circ} 30'$ , and imposing upon it a prohibition of slavery forever, from and after the first day of January, 1858, regardless of the rights and wishes of the people who may inhabit the Territory.

The twenty-fourth section of the bill is in the following words:

SEC. 24. *And be it further enacted*, That so much of the fourteenth section, and also so much of the thirty-second section, of the act passed at the first session of the thirty-third Congress, commonly known as the Kansas-Nebraska act, as reads as follows, to wit: "Except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which, being inconsistent with the principles of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850, commonly called the compromise measures, is hereby declared inoperative and void; it being the true intent and meaning of this act

not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States: *Provided*, That nothing herein contained shall be construed to revive or put in force any law or regulation which may have existed prior to the act of 6th March, 1820, either protecting, establishing, prohibiting or abolishing slavery—be and the same is hereby repealed; and the said eighth section of said act of 6th March, 1820, is hereby revived and declared to be in full force and effect within the said Territories of Kansas and Nebraska: *Provided, however*, That any person lawfully held to service in either of said Territories shall not be discharged from such service by reason of such repeal and revival of said eighth section, if such person shall be permanently removed from such Territory or Territories prior to the 1st day of January, 1858; and any child or children born in either of said Territories of any female lawfully held to service, if in like manner removed without said Territories before the expiration of that date, shall not be, by reason of anything in this act, emancipated from any service it might have owed had this act never been passed: *And provided, further*, That any person lawfully held to service in any other State or Territory of the United States, and escaping into either the Territory of Kansas or Nebraska, may be reclaimed and removed to the person or place where such service is due, under any law of the United States which shall be in force upon the subject.

In the opinion of your committee there are various grave and serious objections to this section of the bill. In the first place, it expressly repudiates and condemns the great fundamental principles of self-government and State equality which it was the paramount object of the Kansas-Nebraska act to maintain and perpetuate, as affirmed in the following provision: "It being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

Not content with repealing this wise and just provision; and condemning the sound constitutional principles asserted in it, the bill proceeds to legalize and establish, for a limited time, hereditary slavery, not only in the Territory of Kansas, (where there is no other local or affirmative law protecting it than the enactments of the Kansas Territorial legislature, which have been alleged to be illegal and void, and which the House of Representatives, by amendments to the appropriation bills, have instructed the President not to enforce,) but also in all that part of New Mexico which it is proposed to incorporate in the Territory of Kansas, and where slavery was prohibited by the Mexican law, and it is not pretended that there is any territorial enactment recognizing or establishing it. Having thus asserted and exercised the power of introducing and establishing slavery in the Territories by act of Congress, and declaring children hereafter born therein to be slaves for life and their posterity after them, provided they shall be removed therefrom within a specified period, the bill proceeds to affirm and exercise the power of prohibiting

slavery in the same Territories forever from and after January 1, 1858, by enacting and putting in force the following provision, being the 8th section of the act passed March 6, 1820, to wit:

"Section 8. And be it further enacted, That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crime, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited; *Provided always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

It will be observed that this 8th section of the Missouri act, (commonly called the Missouri compromise) by its terms only applied to the territory acquired from France, known as the Louisiana purchase, the western boundary of which was defined by the treaty with Spain in 1819, and subsequently by treaties with Mexico and Texas, to be the 100th meridian of longitude, while the bill under consideration, under the guise of reviving and restoring that provision, extends it more than seven degrees of longitude further westward, and applies it to that large extent of territory to which it had no application in its original enactment. Nor can it be said with fairness or truth that this provision was applied to any portion of the territory in question by the "joint resolution for annexing Texas to the United States," for the reason that the whole territory embraced within the limits of the republic of Texas was admitted into the Union as one State, with the privilege of forming not exceeding four other States out of the State of Texas, "by the consent of said State," with the condition that "in such State or States as should be formed out of said territory, north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited."

It was left discretionary with Texas to remain forever one State, and to retain the whole of her territory as slave territory, or to consent to a division, in which case the prohibition would take effect, by virtue of the compact, from the date of the formation of a new State within the limits of the republic of Texas, north of 36° 30'. If, on the contrary, Texas should determine to withhold her assent, no such new State could ever be formed, and hence the prohibition would never take effect. All difficulty, however, on this point, has been removed by the act of 1850, purchasing from Texas all that portion of her territory lying north of 36° 30', and incorporating it in the Territory of New Mexico, with the guarantee that "when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union with or without slavery, as their constitution may prescribe at the time of admission." Hence all that territory, to which it is now proposed to apply the Missouri restriction for the first time, under the plea of restoring the Missouri compromise of the 5th of March, 1820, is protected from any such invasion of the rights of the inhabitants to form and regulate their own domestic affairs in their own way, by the solemn guarantees contained in the compromise

measures of 1850, which blotted out the geographical line as a dividing line between free territory and slave territory, and substituted for it the cardinal principle of self-government, in accordance with the Constitution. But it will also be observed, that the bill under consideration does not propose to limit the restriction to the territory acquired from Texas, nor the country on the east side of the Big Grande, but extend it across that river over a portion of the territory acquired from Mexico, which was never claimed by Texas nor embraced within the Louisiana purchase, and to which there is no pretext for asserting that the Missouri compromise ever applied. If, in the application of the 8th section of the act of the 5th of March, 1820, (commonly called the Missouri compromise,) over so large a district of country to which it never had any previous application, it be the policy of the House of Representatives to return to the "obsolete idea" of a geographical line as a dividing line in all time to come between slave territory and free territory, a perpetual barrier against the advancement of slavery on the one hand, and free institutions on the other, the measure falls short of accomplishing the whole of their object in not extending the line to the Pacific ocean. Your committee can perceive many weighty considerations founded in policy, although wanting the sanction of sound constitutional principles, which might be urged in favor of such a measure, inasmuch as the barrier once erected from ocean to ocean—permitting slavery on the one side and prohibiting it on the other—if universally acquiesced in and religiously observed as a patriotic offering upon the altar of our common country, would put an end to the controversy forever, and form a bond of peace and brotherhood in the future. But, unfortunately, when this expedient was proposed by the Senate in 1842, it was indignantly repudiated by the House of Representatives, and as a consequence the whole country was plunged into a whirlpool of sectional strife and angry crimination, which alarmed the greatest and purest patriots of the land for the safety of the republic, and was only rescued from the impending perils by the adoption of the compromise measures of 1850, which abandoned the policy of a geographical line, and substituted for it the great principles of self-government and State equality, in obedience to the federal Constitution. In view of the history of the past, your committee can perceive no safety in the future except in a strict and religious fidelity to the true principles of the Constitution as embodied in the adjustment of that unfortunate controversy, and adopted by the whole country as rules of action, to be applied in all future time, when in the progress of events it should be necessary to organize Territories or admit new States. The Kansas-Nebraska act was the logical sequence of the compromise measures of 1850, and rendered imperatively necessary in order to establish and perpetuate the principles of self-government and State equality in the organization of Territories and admission of new States. For these reasons your committee cannot concur with the House of Representatives in the proposition to blot out from the organic act of Kansas and Nebraska those essential provisions and cardinal principles, the faithful observance of which can alone preserve the just rights of all inhabitants of the Territories and maintain the peace, unity, and fraternity of the Republic. The great object

is to withhold the slavery question from the halls of Congress and  
commit it to the people of the several States and Territories.  
It is for some time a question of principle as to those imposed by the  
Constitution of the United States. These provisions of the bill under  
consideration which introduce and establish slavery, together with  
those which abolish and prohibit it, are like obnoxious on the score  
of principle, inasmuch as they assert and interfere the right of Con-  
gress to form and regulate the local affairs and domestic institutions  
of a distant and distinct people without their consent and regardless  
of their rights and wishes. To avoid all misconception, however,  
upon this point, your committee deem it proper to remark that their  
objections do not apply to that part of the bill which extends the pro-  
visions of the fugitive slave law to the Territories of Kansas and Ne-  
braska, and provides "that any person lawfully held to service in any  
other State or Territory, and escaping into either the Territory of  
Kansas or Nebraska, may be reclaimed and removed to the person or  
place where such service is due, under any law of the United States  
which shall be in force upon the subject." In this clause your com-  
mittee are rejoiced to find a frank and conscientious acknowledgement  
of the duty of Congress to provide efficient laws for carrying into  
faithful execution the provision of the Constitution of the United  
States which provides for the rendition of fugitive slaves as well as  
all other obligations imposed by that instrument.

The preservation of our free institutions depend upon a faithful ob-  
servance of the Constitution in all its parts; and the assurance thus  
furnished that the representatives of the people are ever ready to pro-  
vide new and additional guarantees when supposed to be necessary for  
the faithful performance of that constitutional obligation, which has  
been the subject of the severest criticism in some portions of the coun-  
try, cannot fail to gratify every true friend of the Union. In this  
case, however, no such legislation is necessary, inasmuch as the  
organic act of Kansas and Nebraska extended the provisions of the  
fugitive slave law to both of those Territories.

The fifteenth and sixteenth sections of the bill, under consideration  
read as follows:

Sec. 15. *And be it further enacted*, That all suits, process, and pro-  
ceedings, civil and criminal, at law and in chancery, and all indict-  
ments and informations which shall be pending and undetermined in  
the courts of the Territory of Kansas or of New Mexico, when this act  
shall take effect, shall remain in said courts where pending, to be  
heard, tried, prosecuted, and determined in such courts as though this  
act had not been passed: *Provide*, nevertheless, That all criminal  
prosecutions now pending in any of the courts of the Territory of Kan-  
sas, imputing to any person or persons the crime of treason against the  
United States, and all criminal prosecutions, by information or in-  
dictment, against any person or persons for any alleged violation or  
disregard whatever of what are usually known as the laws of the  
legislature of Kansas, shall be forthwith dismissed by the courts where  
such prosecutions may be pending; and every person who may be re-  
strained of his liberty by reason of any of said prosecutions shall be  
released therefrom without delay. And there shall thereafter be insti-  
tuted any criminal prosecution in any of the courts of the United

Sec. 16. And it is further enacted, That any person or persons, for any such charge or offence in the said Territory prior to the passage of this act, or any violation or disregard of said legislative enactments at any time, shall be punished in accordance with the provisions of said act.

Sec. 16. And it is further enacted, That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said Territory when this act shall take effect, shall be, and they are hereby, authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Kansas, temporarily, and until they, or others, shall be duly appointed and qualified in all their places, in the manner herein directed, or until their offices shall be abolished.

It will be observed that these two sections recognize the validity and binding force of the entire code of laws enacted at the Shawnee Mission, by the legislature of Kansas Territory, and provide for the faithful execution of all these enactments except the criminal code. All justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, now in office, are required to continue to exercise and perform the duties of their respective offices. All these officers, with the exception of the governor, three judges, secretary, and marshal, and district attorney, were created or appointed under the laws enacted by the legislature of Kansas, while their powers, functions, and duties, are all prescribed by those laws and none others. These officers are all required to continue to perform the duties of their respective offices, by observing and enforcing all the laws enacted at the Shawnee Mission, except the criminal code. "All suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations which shall be pending and undetermined in the courts of the Territory of Kansas or New Mexico, when this act shall take effect, shall remain in said courts where pending, to be heard, tried, prosecuted, and determined, in such courts, as if no such act had been passed." The election laws, and the laws concerning slaves and slavery, and all laws protecting the rights of persons and property, and affecting all the relations of life, are recognized as valid and required to be enforced, excepting criminal prosecutions, by information or indictment, for violating or disregarding the laws of the legislature of Kansas. All such prosecutions are required to be forthwith dismissed, and the prisoners set at liberty, and no new prosecutions are to be commenced for "any violation or disregard of said legislative enactments at any time."

Such is the legislation provided for in these two sections of the bill. They recognize the validity of the laws enacted at Shawnee Mission, and provide for the enforcement of all of them except in cases of criminal prosecution. Your committee are unable to perceive how the passage of such a bill would restore peace, quiet, and security to the people of Kansas. It has been alleged that there are in that Territory organized bands of lawless and desperate men, who are in the constant habit of perpetrating deeds of violence—murdering and plundering the inhabitants; stealing their property, burning their houses, and driving peaceable citizens from the polls on election day, and even from the Territory. The remedy proposed in the bill is to grant to the perpetrators of these crimes a general amnesty for the past, and a full license in the future to continue their bloody work.

There is no law in force in Kansas by which murder, robbery, larceny, arson, and other crimes known to the criminal codes of all civilized States, can be punished, except under the code enacted by the legislature of Kansas at the Shawnee Mission. The provisions of that act for the punishment of crimes against the United States, approved April 30, 1890, is, by its terms, confined in its application to such crimes as shall be committed "within any fort, arsenal, dock-yard, magazine, or any other place or district of country under the sole and exclusive jurisdiction of the United States," and "upon the high seas and navigable waters out of the jurisdiction of any particular State," but has never been held or construed to apply to the Territories of the United States. The act of the 3d of March, 1817, "as provide for the punishment of crimes and offenses committed within the Indian boundaries," extends the provisions of the said act of 1790 to the Indian country, but expressly restricts its application, as its title imports, to crimes committed "within any town, district, or territory belonging to any nation or nations, tribe or tribes of Indians in America; the moment the Indian title is extinguished, and the country placed under the jurisdiction of a territorial government, it ceases to be "under the sole and exclusive jurisdiction of the United States," and is no longer subject to the provisions of either of the above cited acts. Thus it will be seen that if the bill from the House of Representatives should become a law, with the provisions granting a general amnesty in respect to all past crimes, and unlimited license in the future to perpetrate such outrages as their own bad passions might instigate, there would be no law in force in Kansas to punish the guilty or protect the innocent.

As distinguished as the House of Representatives is by the passage of the bill under consideration, and the Senate, by its bill for the admission of Kansas into the Union, have each recognized the validity of the laws enacted by the Kansas legislature at Shawnee Mission, so far as they are consistent with the Constitution and the organic act, and affirmed the propriety and duty of enforcing the same, except in certain specified cases, it becomes important to inquire into the extent of the difference of opinion between the House of Representatives and the Senate, in respect to the particular laws which ought not to be enforced. The Senate has already declared, in the bill for the admission of Kansas into the Union, that all laws and enactments

any which are repugnant to, or in conflict with, the great principles of liberty and justice, as guaranteed by the Constitution of the United States and the organic act, and considered in the 18th section of that bill, shall be null and void, and that none such shall ever be ordered or accepted in said Territory.

The said eighteenth section is in the following words:

"*Sec. 18. And be it further enacted, That inasmuch as the Constitution of the United States and the organic act of said Territory has secured to the inhabitants thereof certain inalienable rights, of which they cannot be deprived by any legislative enactment; therefore no religious test shall ever be required as a qualification to any office or public trust; no law shall be in force or enforced in said Territory respecting an establishment of religion; or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and petition for the redress of grievances; the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized; nor shall the right of the people to keep and bear arms be infringed. No person shall be held to answer for a capital or otherwise infamous crime, without a presentment or indictment of a grand jury; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation. In all criminal prosecution, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. The privilege of habeas corpus shall not be suspended unless, when in case of rebellion or invasion, the public safety may require it. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. No law shall be made or have force or effect in said Territory which shall require a test oath or oath to support any act of Congress, or other legislative act as a qualification for any civil office or public trust, or for any employment or profession, or to serve as a juror, or vote at an election, or which shall impose any tax upon or condition to the exercise of the right of suffrage by any qualified voter, or which shall restrain or prohibit the free discussion of any law or subject of legislation in the said Territory, or the free expression of opinion thereon by the people of said Territory."*

By this provision of the bill, which has twice passed the Senate, and now remains on the Speaker's table of the House of Representatives unacted upon, and only awaits the favorable action of the House to enable it to become a law with the President's approval, all the obnoxious laws, which have been the subject of so much censure and complaint, are swept out of existence, leaving none in force in said Territory except such as are usual, proper, and necessary in all civilized communities for the protection of life, liberty, and property. Your committee have not yet relinquished the hope that the House of Representatives will concur with the Senate in the passage of that bill, and thus restore peace and security to the people of Kansas, by declaring all those obnoxious laws null and void, and providing for the faithful enforcement of the Kansas code, the validity of which has thus been frankly and solemnly acknowledged by the votes and action of each House of Congress. The two Houses of Congress having, by their action, each arrived at the conclusion that the Kansas code is valid, and that the obnoxious laws referred to ought to be declared inoperative and void, as being repugnant to the principles of liberty and justice intended to be secured by the Constitution of the United States and the Kansas Nebraska act, it would seem, that the most serious and material point of difference between the two Houses which remains to be adjusted, is whether that part of the Kansas code which provides for the punishment of murder, robbery, larceny, and other criminal offenses shall be enforced, or, whether all persons guilty of those offenses shall be turned loose to prey upon the community with impunity. It is true that there is, apparently, another point of difference between the two Houses, arising out of the question whether the people of Kansas shall be authorized to elect delegates to a convention, with power and authority to guard against fraud, violence, and illegal voting; and then a petition and state government, preparatory to their admission into the Union; or whether the Territory shall be organized in accordance with the provisions of the bill from the House and left, for many years to come, in that condition. While the House of Representatives has recently expressed its preference for the latter proposition, by the passage of that bill, and declaration, your committee are not permitted to assume that they have insurmountable objections to the admission of Kansas at this time, for the reason that a few months since they passed a bill to admit that Territory as a State, with the Territory as a condition, thus changing of policy on the part of the House, in standing the Senate provision with the popular constitution, and substituting for it the proposition to organize the Territory and leave it in that condition, thus being taken ably in a strong expression

its decided preference on the part of the House for the bill, and the comparative absence of exclusive evidence of insuperable objections to a fair bill, with proper and self-sufficient provisions against fraud and illegal voting, to authorize the people of Kansas to form a constitution and State government at this time. While the Senate bill may pending before the House, is fair and impartial in all its provisions, with ample and satisfactory safeguards against illegal and fraudulent voting, the bill from the House to reorganize the Territory contains no such provisions and affords no such assurances. It leaves the qualifications of the voters at the next election the same as they were under the Kansas-Nebraska act, with third foreignage, and it denies the privilege of voting and holding office to all men of foreign birth who shall not be declared on oath their intention to become citizens, and who shall have taken an oath to support the Constitution of the United States, but who shall have failed from any cause to have completed their naturalization. The provision is, "that; any white male inhabitants, being citizens of the United States, above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election." No penalties or punishments are provided for illegal voting; none for fraud in conducting the elections; none for violence at the polls; and none for destroying the ballot-boxes. All these things may be done with impunity; for, while the election must be held in pursuance of the existing laws of the Territory, which are recognized as being in force, the bill expressly provides that no criminal prosecution shall hereafter be instituted in any of the courts of the United States or of said Territory for any violation or disregard of such legislative enactment at any time. Under this bill any number of persons from Missouri or Iowa, from South Carolina or Massachusetts, or from any other part of the world, may enter the Territory on election day and take possession of the polls, and close as many towns as they choose, and drive every legal voter from the polls with entire impunity; for the bill declares that no criminal prosecutions shall ever be instituted in the courts of the United States or of said Territory for violating or disregarding the only law which provides penalties and punishments for such outrages in the Territory of Kansas.

No measure can restore peace to Kansas which does not effectually protect the ballot-box against fraud and violence, and impart equal and exact justice to all the inhabitants. Under existing circumstances, your committee are unable to devise any measure which will more certainly accomplish these desirable objects than the bill which has twice passed the Senate, and now only awaits the concurrence of the House of Representatives, with the approval of the President, to become the law of the land.

For these reasons your committee recommend that the bill from the House of Representatives be laid on the table, as a test vote on its rejection, inasmuch as the objections apply to all the leading features and material provisions of the bill, and renders it incapable of amendment without preparing an entire new bill.

The following is the vote in the House of Representatives on the passage of the bill, the main provisions of which are set forth and explained in the foregoing report:

The yeas and nays were ordered.

The question was then taken; and it was decided in the affirmative—yeas 88, nays 74; as follows:

Yeas—Messrs. Albright, Allison, Ball, Barbour, Benson, Bishop, Bliss, Bradshaw, Brewster, Buffington, James H. Campbell, Lewis D. Campbell, Chaffee, Cresson, Coffey, Conison, Corrado, Cumbach, Darnell, Dean, Dick, Dodd, Dunn, Durfee, E. C. Edwards, Fenton, Flagler, Giddings, Gilbert, Grainger, Grow, Robert B. Hall, Harlan, Harrison, Haven, Hewlaway, Thomas H. Horton, Valentine B. Horton, Hugheston, Keasey, King, Knapp, Knight, Knowlton, Knox, Kunkel, Matteson, McCarty, Killian Aulser, Moore, Morgan, Merrill, Nichols, Norton, Andrew Oliver, Parker, Patton, Peery, Pettit, Pringle, Purvis, Ritchie, Sabin, Sage, Rapp, Sherman, Simmons, Spenser, Stanton, Stranahan, Tappan, Thompson, Todd, Trahan, Wade, Wakeman, Walbridge, Waldron, Cassadagger C. Washburne, Elihu B. Washburne, Lernal Washburn, Watson, Welch, Wells, Wood, Woodruff, Chad Woodworth—88.

Nays—Messrs. Allen, Bartlesdale, Bell, Bowie, Branch, Brown, Burnett, John P. Campbell, Carlisle, Carothers, Caskie, Howell Cobb, William A. R. Cobb, Cox, Craig, Crawford, Cullin, D. S. Deacon, Henry Winter Davis, Denver, Dowdell, Edmundson, English, Paulkner, Foster, Goode, Greenwood, J. Morrison Hays, Sampson W. Harpe, Thomas J. Harps, Houston, Jewett, George W. Jones, J. Glenn Jones, Kennell, Kidwell, Lake, Lester, Lumpkin, Humphrey Marshall, Samuel S. Marshall, Maxwell, North Miller, Phillips, Peck, Peck, Phelps, Powell, Puryear, Gethman, Rende, Ready, Ricard, Ryan, Rubin, Savage, Shorter, Samuel A. Smith, William Smith, Speed, Stephens, Stewart, Grope, Taylor, Tripp, Underwood, Vail, Walker, Warner, Watkins, Wingate, Daniel B. Wright, John V. Wright, and Zellweger—74.

So the bill, as amended, was passed.

Thus it will be seen, that while the entire republican party (with one solitary exception) voted for this obnoxious measure, every democrat in the House voted against it. In the Senate it was referred to the Commit-

the territories, where its provisions were carefully examined and thoroughly exposed in the foregoing report, which was concurred in by five of the six members of the committee. Mr. Collamer made a minority report, in which he attempts to palliate some of the monstrous provisions of the bill; but does not dispute the correctness of any one fact stated in the above report of the committee. After these two reports had been read to the Senate, and the subject had become thoroughly understood, the bill was laid on the table, with the distinct understanding that it should be deemed a test vote, on the rejection of the bill. The vote was as follows:

**Yea**—Messrs. Adams, Allen, Bell, of Tennessee, Benjamin, Biggs, Bright, Brodhead, Brown, Butler, Cass, Claiborne, Douglas, Evans, Fitzpatrick, Geyer, Harlan, Hunter, Iversen, Jones, of Tennessee, Mallory, Mason, Pratt, Pugh, Reid, Sebastian, Shaler, Stuart, Thompson, of Kentucky, Thompson, of New Jersey, Toombs, Towner, Walker, Wright, Yulee—33.  
**Nay**—Messrs. Bell, of New Hampshire, Collamer, Fessenden, Fish, Foot, Foster, Hale, Harlan, Seward, Trumbull, Wade, Wilson—12.

Thus it appears that every Republican (all the supporters of Fremont) in the Senate voted against the rejection of this bill, or, in other words, every one of them declared by his vote that he was in favor of the passage of the bill, while every Democrat voted to kill the bill. But one friend of Fremont (Mr. Sewall) expressed his dissent to any part of the bill; all the rest leaving it to be inferred that they were ready to vote for the bill as it stood.

#### VOTE IN THE HOUSE OF REPRESENTATIVES ON THE AMENDMENT MAKING THE SALARY OF THE JUDGES AND OTHER OFFICERS DEPENDENT ON THE DECISION THE COURT SHOULD MAKE IN CERTAIN CRIMINAL PROSECUTIONS.

The House then proceeded to consider the following amendment, as a proviso to the appropriations for Kansas, on which a separate vote had been asked:

**Resolved**, That the money hereby appropriated shall not be drawn from the treasury, or any part thereof, and the same, or any part thereof, shall not be paid out of any other appropriation made by Congress, until all criminal prosecutions now pending in any court of the Territory of Kansas against any person or persons charged with treason against the United States, and all criminal prosecutions by information or indictment against any person or persons for any alleged violation or disregard of the prohibited laws of a body of men who assembled at the Shawnee Mission in said Territory, claiming to be the legislative assembly of the said Territory, shall be dismissed by the court; and every person who is, or may be, restrained of his liberty by reason of such prosecution or prosecutions, shall be released from confinement.

The yeas and nays were called for, and ordered.

The question was taken, and it was decided in the affirmative—yeas 84, nays 49, as follows:

**Yea**—Messrs. Albright, Allison, Ball, Ballou, Bayley, Henry Bennett, Benson, Billing, Egan, Estlin, Bibb, Bradshaw, Brewster, Burdette, James H. Campbell, Chaffee, Elm, Clark, Clawson, Coffey, Connor, Cooper, Crain, Cumbach, Durrell, Doan, Dick, Dodd, Drake, Drake, Flagg, Galloway, Gillespie, Granger, Grow, Harlan, Holloway, Hughes, Kelley, King, Krapp, Ruggles, Knowlton, Knorr, Kunkel, Leiter, Matteson, McCarty, Elton Miller, Miller, of Michigan, Moore, Moulton, Murray, Nelson, Andrew Oliver, Parker, Pease, Penney, Peppercorn, Perry, Pettibone, Pugh, Pangle, Purviance, Ritchie, Robbins, Roberts, Smith, Spaulding, Spaulding, Stanton, Sturges, Tappan, Todd, Wade, Walker, Wadsworth, C. Wadsworth, Eliza B. Wadsworth, Israel Wadsworth, Watson, Wood, Woodruff, and Wadsworth—84.

**Nay**—Messrs. Allen, Baker, Bates, Briggs, Russell, Caldwell, Lewis D. Campbell, Corbin, Cowan, Crockett, Davidson, R. W. Johnson, Crawford, Henry Miller, Davis, Dowell, Dunn, Elliott, English, Davis, Fairbank, Florence, Folger, Gould, Greenough, Hall, Hildreth, Valentine B. Horton, Houston, George W. Jones, J. Quincy Jones, Keitt, Kelly, Kendall, Lester, Loomer, Lombard, Marshall, Samuel B. Marshall, Maxwell, McMillan, Smith Miller, Milson, Moore, Phelps, Porter, Quimby, Reade, Richardson, Rivers, Rogers, Rice, Russell, Sargent, Seward, Butler, William Smith, Smedley, Stewart, Sumner, Taylor, Tammam, Tabor, Thompson, Webb, Warner, Watkins, Whitely, Williams, Wick, Daniel B. Wright, John V. Wright, and Zollcoffer—49.

By the vote on this amendment it appears that the whole Repub-  
lican movement party attempted to destroy the purity of the judiciary  
and corrupt all the officers of the court, by making the payment of  
their salaries dependant upon their subserviency to the interests of a  
political party in the administration of justice.

**ANOTHER ATTEMPT TO CORRUPT THE JUDICIARY FOR PARTY PURPOSES.**

The following is the amendment and the vote on it, together with  
the vote on the passage of the bill after these amendments had been  
added to it:

The next amendment was read, as follows:  
"And if the clause for defraying the expenses of the Supreme Court, &c., the following shall  
be provided, however, That no part of the money hereby appropriated shall be expended for  
representing or detaining any person or persons charged with treason, or any other political  
crime in the Territory of Kansas."

Mr. PHELPS demanded the yeas and nays. The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 82, nays 60, as  
follows:

Yeas—Messrs. Albright, Allison, Ball, Barbour, Barclay, Henry Bennett, Benson, Billing-  
ham, Bliss, Bradshaw, Brewster, Buckingham, James H. Campbell, Charles, Ezra Clark,  
Clayson, Coffey, Collins, Cowley, Craig, Cumberack, Darrall, Dean, Dickey, Dodge,  
Dunn, Egan, Flagler, Giddings, Granger, Grow, Harlan, Hickman, Holloway, Valentine B.  
Horton, Hugston, Kelley, King, Knight, Knowlton, Kunkel, Matson, McCarty, Kilian  
Miller, Millward, Morgan, Merrill, Mott, Murray, Norton, Andrew Oliver, Parker, Pearce,  
Peterson, Pennington, Perry, Pettit, Pike, Pringle, Puryear, Ritchie, Robbins, Roberts,  
Sabin, Sapp, Simmons, Spinner, Stanton, Strahman, Tappan, Thurston, Todd, Traston,  
Wade, Walbridge, Oswaldader C. Washburne, Eliza B. Washburne, Israel Washburne,  
Watson, Wood, and Woodworth—82.

Nays—Messrs. Aiken, Handley S. Bennett, Bishop, Bowie, Branch, John P. Campbell,  
Lewis D. Campbell, Carlile, Caruthers, Cashie, Clingman, Williamson R. W. Cobb, Gray,  
Henry W. Davis, Dowdell, Edmondson, English, Florence, Foster, Good, Green,  
Harris, H. Harris, Hays, Hays, Howard, George W. Jones, J. Quincy Jones, Keith,  
Kelly, Kidwell, Letcher, Lumpkin, Humphrey Marshall, Samuel S. Marshall, Maxwell,  
McMillan, Smith Miller, Milson, Phelps, Powell, Quitman, Richardson, Rivers, Tiffin,  
Rice, Sandage, Bennett Shorter, William Smith, Sledge, Stewart, Taylor, Tyson, Under-  
wood, Warner, Watkins, Williams, Winslow, Daniel B. Wright, John V. Wright, and  
Zollicoffer—60.

The amendment was agreed to.

Pending the call of the roll, Mr. CLINGMAN stated that Mr. EUSTIS and Mr. STRAHMAN had paired off.

The bill, as amended, was then offered to be engrossed, and read a third time; and being  
engrossed, it was accordingly read the third time.

Mr. PHELPS demanded the yeas and nays upon the passage of the bill.  
The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 84, nays 65, as follows:

Yeas—Messrs. Albright, Allison, Ball, Barbour, Barclay, Benson, Billingham, Bishop,  
Bliss, Bradshaw, Brewster, Buckingham, James H. Campbell, Lewis D. Campbell, Charles, Ezra Clark,  
Clayson, Coffey, Collins, Cowley, Craig, Cumberack, Darrall, Dean, Dickey, Dodge,  
Dunn, Egan, Flagler, Giddings, Granger, Grow, Harlan, Hickman, Holloway, Valentine B.  
Horton, Hugston, Kelley, King, Knight, Knowlton, Kunkel, Lott, Matson, McCarty, Kilian  
Miller, Millward, Morgan, Merrill, Mott, Murray, Norton, Andrew Oliver, Parker, Pearce,  
Peterson, Pennington, Perry, Pettit, Pike, Pringle, Puryear, Ritchie, Robbins, Roberts,  
Sabin, Sapp, Simmons, Spinner, Stanton, Strahman, Tappan, Thurston, Todd, Traston,  
Tyson, Wade, Walbridge, Oswaldader C. Washburne, Eliza B. Washburne, Israel  
Washburne, Watson, Wood, and Woodworth—84.

Nays—Messrs. Aiken, Barkdale, Henry Bennett, Handley S. Bennett, Bishop, Benson,  
John P. Campbell, Carlisle, Cashie, Clingman, Williamson R. W. Cobb, Connor, Henry  
W. Davis, David Dowdell, Dunn, Edmondson, English, Florence, Foster, Good, Green,  
Harris, H. Harris, Hays, Howard, George W. Jones, J. Quincy Jones, Keith, Letcher,  
Lumpkin, Humphrey Marshall, Samuel S. Marshall, Maxwell, McMillan, Smith Miller,  
Miller, Robert Powell, Quitman, Rivers, Sabin, Rice, Sandage, Stewart, Taylor, Tyson,  
Underwood, Warner, Watkins, Williams, Winslow, Daniel B. Wright, John V. Wright,  
and Zollicoffer—65.

So the bill was passed.

These provisions for arming and arming the courts were forced on the civil appropriation bill by the republican or Fremont party in opposition to the unanimous vote of the democracy, under the pretext that they were essential to the preservation of peace and freedom in Kansas, and that all who voted against these amendments were recreant to their duty in that respect. Perseverant appeals were made to all the friends of Kansas to respond to "the shrieks for freedom," by standing by these amendments until the wheels of government should stop and anarchy reign; and they did stand firm until they discovered that the same bill contained the appropriations for their own pay and mileage, and that the Senate would refuse to pass the bill, and thus deprive the members of both houses of their pay unless these revolutionary amendments were stricken out. When these discoveries were made the republican or Fremont party were filled with consternation; they instantly became oblivious to the woes of suffering Kansas, turned a deaf ear to her shrieks for freedom, and allowed enough of their own members to take the back track, vote against their own amendments, and pass the bill without any such revolutionary provisions. The potent argument of receiving *their own pay and mileage*, added to the consideration that all the persons provided for in the bill were voters at the elections, being in the employment of the civil departments of the government, could not fail to convince the supporters of Fremont that it would be wiser and more patriotic to abandon Kansas to her fate, and allow the courts to decide all cases before them, according to the law and evidence, than to stop the wheels of government by defeating *that particular bill*. Hence the civil bill became a law by the forbearance of the republican or Fremont party. It is to be hoped that the country will appreciate and reward their patriotism according to their merits.

#### THE ARMY BILL—AMENDMENTS—DEFEAT.

The following is the amendment which the republicans or Fremont men forced on the army appropriation bill in the House of Representatives, together with the vote on the same:

Provided, nevertheless, That no part of the military force of the United States herein provided for shall be employed in aid of the enforcement of the enactments of the alleged legislative assembly of the Territory of Kansas, recently assembled at Shawnee Mission, until Congress shall have enacted either that it was or was not a valid legislative assembly, chosen in conformity with the organic law by the people of the said Territory. And provided, That until Congress shall have passed on the validity of the said legislative assembly, Kansas, it shall be the duty of the President to use the military force in said Territory to preserve the peace, suppress insurrection, repel invasion, and protect persons and property therein, and upon the national highways in the State of Missouri, or elsewhere, from unlawful violence and depredations. And be it further provided, That the President is required to disarm the persons organized within the Territory of Kansas, and recall all the United States arms therein distributed; and to prevent armed men from going into said Territory to furnish the private parties or aid in the enforcement of a multitude of real or pretended laws.

The question was taken, and it was decided in the affirmative—yeas 91, nays 66.  
 Yea—Messrs. Albright, Allison, Ball, Barber, Henry Bennett, Benson, Billings, Blair, Burdette, Burton, Bullington, James H. Campbell, Charles Dawson, John Calhoun, David C. Coates, Cornsback, Daniel, Jay Deas, Dick, Dodd, Bush, Danks, Cox, Davis, Foster, Galloway, Gilmore, Gillett, Granger, Grow, Robert B. Hall, Harris, Harlan, Hendricks, Thomas H. Horn, Valentine H. Horns, Houston, Huber, John H. Johnson, John A. Knapp, Lester, Matthews, McCarty, Nathan Miller, Moore, Newell, Palmer, Phelps, Nicholas Pomeroy, Andrew Porter, Charles F. Potter, Pettit, T. J. Quinn, Ransom, R. B. Ross, Edwin Saxe, Saxe, Stephen, Simmons, Spencer, Stephen, Thomas, Thurston, Todd, Trafton, Wade, Wadsworth, Washburn, Watson, Williams, C. C. Amburne, Ezra B. Washburne, Israel Washburn, Watson, Webb, Wood, Woodcock, and Woodworth—91.

Massachusetts, Richard B. Bell, Francis Branch, Thomas Burnett, John P. Campbell, Lewis D. Campbell, Charles Caruthers, Cassio Howell Cobb, Williamson R. W. Cobb, George Claiborne, Crawford, Gaillet, Davidson, Henry Winter Davis, Denver, Dowdell, Edmund English, Estlin, Pauline, Foster, Henry F. Fuller, Thomas J. D. Fuller, Goode, Greenwood, J. Morrison Harris, Sampson W. Harris, Thomas L. Harris, Haven, Holliman, Houston, Jewett, George W. Jones, Kennett, Kidwell, Knight, Lake, Lodley, Lumpkin, Mary Marshall, Samuel S. Marshall, Maxwell, Smith Miller, Millson, Packer, Peck, Phelps, Powell, Puryear, Quitman, Reads, Ready, Ricard, Rivers, Ruffin, Savage, Seward, Saylor, Samuel A. Smith, William Smith, William R. Smith, Sneed, Stevens, Stewart, Swope, Taylor, Tappan, Tyson, Underwood, Vall, Valk, Walker, Warner, Watkins, Whitman, Willard, Winslow, Daniel B. Wright, John V. Wright, and Zollhoeffer—85.

The amendment was concurred in. The Senate refused to agree to this amendment for the following, among other reasons:

1st. It was irregular, unparliamentary, and revolutionary to put any such matter of legislation on a general appropriation.

2d. It undertook to deprive the President of the right to use the means authorized by the Constitution to perform his oath "to see the laws faithfully executed"—laws which the House of Representatives had recognized as valid and binding in the bill referred to in the report of the Committee on Territories, and which he was bound to put all lawful and constitutional means to enforce so long as they remained on the statute book, and so far as they were held to be constitutional by the courts of the country.

3d. It conferred on the President unlimited power—a power subversive of constitutional rights and dangerous to liberty—by substituting the military for the civil law, and making the discretion of the commander of the army the only law for the protection of persons and property in the Territory, and on the national highways in Missouri and elsewhere.

4th. It violated the following article of the amendments to the Constitution of the United States, by disarming the militia and depriving the people of the right to bear arms:

"Art. 2. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

In the Senate this Republican or Fremont amendment to the army bill was stricken out by a party vote, every Democrat voting to strike it out. The Republican or Fremont men in the House refused to allow the bill to pass as it went from the Senate, and consequently returned it to the Senate with the following amendment:

The amendment was read, as follows:

Enacted, nevertheless, and it is hereby declared, That no part of the military force of the United States, for the support of which appropriations are made by this act, shall be employed in aid of the enforcement of any enactment of the body claiming to be the Territorial legislature of Kansas, until such enactment shall have been affirmed and approved by Congress; but this proviso shall not be so construed as to prevent the President from employing an adequate military force, but it shall be his duty to employ such force to prevent the invasion of said Territory by armed bands of non-residents, or any other body of non-residents, or claiming to act, as a committee of any officer in said Territory, in the enforcement of any such enactment, and to protect the persons and property therein, and upon the national highways leading to said Territory, from all unlawful searches and seizures; and it shall be his further duty to take efficient measures to compel the return of, and to withhold from the United States, distributed in, or to, said Territory, in pursuance of any law of the United States authorizing the distribution of arms to the States and Territories.

This amendment, being similar to the first in its objects, and objectionable to nearly all the objections which had been found to exist to the other, was, of course, rejected by the Senate. Inasmuch as this bill

continued so appropriation to pay the per diem and mileage of members, and only provided for the payment of the officers and soldiers of the army—a class of persons who have no votes at elections—is met with no favor with the Republican or Fremont men, and they refused to allow it to become a law, and hence Congress adjourned without making any provision to pay, feed, and clothe the army.

Upon a full and careful review of all the foregoing facts, every impartial mind is led irresistibly to the conclusion that the leading and paramount object of the secession party is to stop the wheels of government, stir up strife and discord in the country, and produce anarchy and violence in Kansas, with the hope of manufacturing political capital from all these sources of evil and mischief. The telegraphic information that on the very day that the leaders of the Republican party in Congress defeated the appropriation bill for the army, the notorious Jim Lane, their confederate, and acting under their advice and direction, and supported by money raised by subscription at their party meetings, invaded Kansas at the head of a band of lawless and marauding desperadoes, attacked and destroyed the town of Franklin, and robbed and murdered its unoffending inhabitants, for no other cause than their refusal to join the abolitionists and take up arms against the government of the Territory established by Congress. Peace, quiet, and security for life and property, prevailed in Kansas until these bands of desperadoes were sent there at the request of the Fremont party to stir up strife and inaugurate scenes of violence and bloodshed; and to circulate false and exaggerated accounts throughout all the free States for political effect. These accounts, many of them manufactured to order without the slightest pretext of a foundation, and all of them distorted and colored to suit their own purposes, will increase and multiply each day until after the presidential election, when peace, and security, and law will prevail in the Territory, there being no more political capital to be made by violence, bloodshed and rebellion.

Let every fair minded man remember and reflect on these things, and be ready to expose these seditious and fraudulent accounts of the horrible deeds perpetrated in Kansas, as they shall be sent by telegraph for circulation in each State just before election. The last and only hope of the Fremont men consists in blood, violence, and murder in Kansas. If they shall fail through their agents and desperadoes to produce the sad reality upon the plains of Kansas, they will, at least, be able to fill the newspapers and flood the whole country with handbills, portraying black, bloody, and ghastly deeds, with the hope of making the people believe them until a general election. Let every friend of the Constitution and the Union be ready to expose the

THE ISSUE FAIRLY PRESENTED.

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*Democratic party, Nat. committee, 1852*

THE SENATE BILL

1856

FOR

THE ADMISSION OF KANSAS AS A STATE.

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DEMOCRACY,

LAW, ORDER, AND THE WILL OF THE MAJORITY OF  
THE WHOLE PEOPLE OF THE TERRITORY,

AGAINST

BLACK REPUBLICANISM,

USURPATION, REVOLUTION, ANARCHY, AND THE WILL  
OF A MEAGRE MINORITY.

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PUBLISHED BY ORDER OF THE DEMOCRATIC NATIONAL COMMITTEE.

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WASHINGTON:  
PRINTED AT THE UNION OFFICE.  
1856.

## TO THE PEOPLE OF THE UNITED STATES.

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The Democratic National Committee—with the hope of allaying in some degree the wild excitement now prevailing in many sections of the country in reference to the unhappy state of affairs in Kansas, and also of disabusing the public mind upon the subject of the designs and principles of the democratic party with regard to the question of slavery in the territories—ask the attention of the public to a practical issue now made up between the two parties, in the course of recent congressional legislation. We propose fairly and fearlessly to appeal to the people, whether the bill passed by the democratic senators on the 2d of July instant, to admit Kansas as a State by a prescribed process, is not preferable to the adoption of the crude, partial, and revolutionary measure commonly called the Topeka Constitution. Other questions may be incidentally glanced at; but our main purpose on this occasion will be to show, by a distinct and definite appeal to the record, that (whether in or out of Congress,)

### THE BLACK REPUBLICAN LEADERS DO NOT DESIRE PEACE IN KANSAS PRIOR TO THE PRESIDENTIAL ELECTION!

The question of human slavery has been a topic of partisan discussion ever since our government began; but it is in relation to the territories of the Union that it has presented itself in the most complicated and dangerous form.

To discuss this question at length, in any of its various aspects, is wholly foreign to our present purpose. We shall not undertake to determine why the God of nature made the African inferior to the white man; or why He permitted England to fasten the institution of slavery upon the colonies against their repeated and earnest remonstrances. Nor can we tell what Heaven in its wisdom may intend to work out of the relations of master and slave, as they now exist in several of the United States.

This, however, we do know, and will add, that when these States, as independent parties, agreed to come under a common Constitution and into a common Union—it was upon terms of perfect equality, for the mutual and equal benefit of all, and that African slavery was one of the recognized subjects of that compact. All power over it was expressly reserved to each member of the confederacy.

Nothing was yielded, and no new right in this respect was added, except that each State bound itself to return to any other, upon de-

mand, fugitives from legal servitude. We know, too, in relation to any compact, it is always good faith and good morals to keep it in whole, as well as in part; in the spirit as well as to the letter; in regard to Territories as well as in reference to the States of this Union. An evasion of a promise or covenant is as immoral as a bold and open breach of it; and involves, in addition, the contempt which inevitably falls upon trickery or cowardice. It is obvious, then, that the success of any attempt practically to disregard a particular feature of the Constitution, whether relating to the rendition of fugitives from labor, or any other distinct guarantee to the citizens or the States, would operate as a virtual abandonment and demoralization of the whole instrument, an event which the Union could not long survive.

The ordinance of 1787, which seems to have been established without much objection at the time, adjusted the subject of slavery in the Northwestern Territory. Again in 1820, Congress, after an angry and exciting controversy, passed a law, excluding the institution from that part of the Louisiana territory which lies north of a certain parallel of latitude. In 1845, when Texas was admitted into the Union, this line of inhibition was also applied to that State.

But when the acquisition of territory from Mexico once more presented this subject, the mode of adjustment by a geographical line was considered, and finally rejected by Congress; and this mainly by the votes and influence of the very same brood of agitators who now affect to regret the abandonment of the principle! This result created the necessity of resorting to some other mode of settling the question. Finally, in 1850, after a period of great agitation throughout the country, the leading patriots and wise men of both parties, such as Clay, Webster, Cass, and others, decided upon leaving this question where it always ought to have been left, and where the true spirit of our institutions places it—in the hands and under the control of the people of the Territories themselves, restrained only by the Constitution.

The whole nation rejoiced in this wise adjustment, and all parties claimed it as a finality as to this principle of territorial organization. For once, the question of slavery in the Territories was settled upon the principles of our revolutionary fathers, who demanded a voice and a vote in regulating their own institutions; the same great fundamental principles of human government, which underlie and uphold our whole republican system—principles suited to all Territories and to all times, and as broad and enduring as eternal truth. This form of adjustment was denominated *non-intervention* by Congress—*self-government* by the people of the Territories.

In 1854, when it became necessary to organize the Territories of Kansas and Nebraska, it was deemed just and proper to extend these principles of self-government to those Territories, regardless of the restrictive Missouri line. It seemed manifestly unjust to accord such high privileges to citizens who might reside in the Territories of Washington, Utah, and New Mexico, and deny their enjoyment to those who should go to Kansas and Nebraska. Nor did it seem right to reject the practical use of a great principle, which had been so universally approved by all parties. The Kansas-Nebraska act accordingly became a law of the land.

Then it was that the abolition party renewed their schemes of agitation. Up to that hour, they had scarcely ceased to denounce the Missouri demarcation as unconstitutional, arbitrary, and unjust. Their indignation at its adoption had been unbounded. No public man who had sustained it, that was within their reach, escaped their vengeance. But no sooner had this arbitrary rule been superseded by one more republican and reasonable, than their admiration for the former suddenly burst forth in the strongest terms. They now affected to see in it the force and virtue of a solemn compact of good faith, justice, and liberty; and proceeded to denounce those who favored its repeal with as much bitterness as they had employed at an earlier day, against those who had sanctioned its adoption.

Reckless and inconsistent upon this subject to the very last, these desperate agitators are now engaged in charging the unhappy state of society in Kansas to the legislation of the Democratic party, and as consequent upon the incorporation of the principles of self-government into the organic law of Kansas Territory; forgetting, or wilfully overlooking the fact, that in Washington, Utah, and New Mexico, *all organized upon the same principle*, there is entire quiet and good order. It would be equally logical and true to say in reply and in defence, that they themselves became the authors of the evils in Kansas, by rejecting the extension of the Missouri line to the Pacific, as a final adjustment, when proposed by Judge Douglas in 1848. Some other mode of adjustment was thus, and by their own act, rendered absolutely necessary; and that applied to Kansas was devised by the wisest men of the nation, in 1850, to meet the exigencies then presented.

But the real purposes of the agitators cannot be concealed. Excitement on the slavery question is the very life-blood of their fanatical organization. Take this away, and there remains to them only a few minor and kindred topics, by the agitation of which they can hope to secure position and notoriety.

Upon the subject of Kansas, these leaders sanctimoniously, and with affectation of great humanity, claim before the public a desire only to advance the interests of peace, and to secure for the settler in that Territory a just and equal State government, of his own unawed and untrammelled choice. They have uniformly contended in Congress that the free State party were largely in the majority, and that all they desired was, that the popular will should be fairly reflected on the subject of slavery; and that the proper remedy for the evils in Kansas was her prompt admission as a State.

Mark, now, the progress of events in Congress, and judge of the sincerity of these professions. On the 23d day of July, Mr. Toombs, a southern senator, submitted a proposition for the early admission of Kansas as a State, by authorizing the present inhabitants, in a prescribed manner, to form a State constitution in November next. The main features of this measure, as finally passed by the Senate, are hereto appended, so that the reader can come to his own conclusion as to the fairness of its provisions.

A leading and vital idea of this bill, it will be seen, is to terminate at once all inducement on the part of outsiders to force temporary

population into the Territory, with the view of controlling a decision on the question of slavery. The sole right to influence such decision is confined to citizens who may have already become *bona fide* inhabitants of the Territory; thus ending this angry struggle, and giving peace to the whole country. This movement produced a deep sensation in the Senate and throughout the Union, and no small share of consternation amongst the Kansas agitators, who saw in it the elements of destruction of their vocation. It struck all right-minded men as eminently just and wise in its provisions. Even Senator Hale, so distinguished for his aversion to everything emanating from a southern source, could not restrain his admiration, and almost involuntarily paid it the following just tribute:

"But, sir, I do not want to dwell on that subject, but to speak a very few words in reference to this bill which has been introduced by the Senator from Georgia. I take this occasion to say that the bill, as a whole, does great credit to the magnanimity, to the patriotism, and to the sense of justice of the honorable senator who introduced it. It is a much fairer bill than I expected from that latitude. I say so because I am always willing and determined, when I have occasion to speak anything, to do ample justice. I think the bill is almost unexceptionable."

After having been read in due course in the Senate, it was referred to the proper committee of that body; which subsequently returned it with amendments, accompanied by an elaborate and able report, in which the subject is thus treated:

"The existing government in the Territory of Kansas was organized in pursuance of an act of Congress approved May 30, 1850, instituting temporary governments for the Territories of Nebraska and Kansas, preliminary to their admission into the Union on an equal footing with the original States, so soon as they should have the requisite population. The organic law of Kansas is identical with that of Nebraska in all its provisions and principles. Each is based on that great fundamental principle of self-government which underlies our whole system of republican institutions, as promulgated in the Declaration of Independence, consecrated by the blood of the Revolution, and consolidated and firmly established by the Constitution of the United States. Each recognizes the right of the people thereof, while a Territory, to form and regulate their own domestic institutions in their own way, subject only to the Constitution of the United States, and to be received into the Union, so soon as they should attain the requisite number of inhabitants, on an equal footing with the original States in all respects whatever. These two Territories were thus organized in 1854, under the authority of the same act of Congress, with equal rights, privileges, and immunities, and with the same safeguards and guarantees for the quiet enjoyment of their liberties, without molestation by foreign interference or domestic violence.

"In Nebraska the inhabitants have enjoyed all the blessings which it is possible for a law-abiding people to derive from the faithful administration of a wise and just government. Life, liberty, and property have been held sacred, the elective franchise has been preserved inviolate, and all the rights of the citizen have been protected against

fraud or violence, by laws of his own making. These are the legitimate fruits of the principle, the practical results of fidelity to the provisions of the Nebraska organic act. There was no foreign interference with their domestic affairs, no fraudulent attempts to control the elections by non-resident voters. Emigrant aid societies, with their affiliated associations and enormous capital, did not extend their operations to Nebraska, and hence there were no counter schemes formed to control the elections and force institutions upon the Territory regardless of the rights and wishes of the *bona fide* inhabitants. The principle of the organic law, the right of the people to manage their internal affairs, and control their domestic concerns in obedience to the Federal Constitution, was permitted to have fair play, and work out its natural and legitimate results. Hence, peace, security, and progress, in all the elements of prosperity in this Territory, have vindicated the wisdom and policy of the Nebraska act.

"Fortunate would it have been for the peace and harmony of the republic, and still more fortunate for the unhappy people of Kansas, had they been permitted, in the undisturbed enjoyment of their acknowledged rights, to derive similar blessings from the same organic law. Your committee can perceive no reason why the same causes would not have produced like results in Kansas but for the misguided efforts of non-residents of the Territory, citizens of different States, who had no moral or legal right to interfere with the elections and legislation of the Territory, to seize upon the legislative power through the ballot-box, and thus control the local and domestic institutions of a feeble and sparsely settled Territory."

This measure of peace and justice, so well described in the report, came up in the Senate for final passage on the 2d day of July, and was steadily resisted by the Republican Senators, during a prolonged session of twenty-one hours. Notwithstanding the declaration of Mr. Hale, that the proposition was a fair one—"almost unexceptionable"—it encountered the bitterest hostility. Objection after objection was presented, and promptly removed by the friends of the bill—*until it was made manifest that the Republican Senators had determined to accept no measure of peace.* Mr. Seward discarded all attempts to accommodate it to his views, and vauntingly declared that "*the day for compromises had gone by.*"

It was first objected, that the laws of the Territory restrain the free discussion of the question of slavery, and impose test oaths for suffrage and office, and consequently the pro-slavery party would have the advantage. The friends of the measure answered, that all such laws are in conflict with the Constitution and the organic act of Congress, and the bill may be made to provide for their repeal.

Then it was alleged that many of the free State men had been driven out of the Territory, and therefore the bill would make Kansas a slave State. This objection was promptly met by an amendment in the 11th section, giving all such an opportunity to return and have their names registered, and participate in the election for delegates to make a constitution.

It was next said that the penalties for abusing or obstructing the right of suffrage were too light, and these were immediately increased

The last discovery was, that the President, with the consent of the Senate, had the right to appoint the commissioners, and they had no confidence in this appointing power. To meet this difficulty, General Cass rose in his place and gave them a pledge, on the part of the President and the Senate, that the commissioners should be selected from both political parties, and all be men of the highest integrity and ability.

Then they evinced their want of sincerity in all their objections to the details, by voting in a body for the proposition of Senator Wilson to strike out the entire bill, and insert, instead, a single section, repealing all the laws now in force in Kansas, and leaving the people in anarchy and confusion!

The senator from New Hampshire, (Mr. Hale,) having recovered from his right impulses under the party lash, came forward and moved to defer the effect of the bill to July, 1857, so that the struggle might last another year—in order "*that Kansas and liberty might bleed*" till after the presidential election; and in this he was sustained by the vote of every republican senator!

Mr. Seward, the file leader of the factionists, did his part by moving to strike out the entire bill, and inserting another admitting Kansas into the Union under the Topeka constitution, and was sustained in this by his entire party. Many other amendments were offered, all designed to defeat the object of the bill, or to force its friends to cast votes liable to misrepresentation.

But at last the test vote could no longer be avoided. They had said the remedy for the evils in Kansas was her prompt admission as a State; that the territorial laws were odious and oppressive, and must be repealed; that the elective franchise had been abused, and it must be protected; that the free State party were largely in the ascendancy, and the voice of the majority must be heard. The bill provided for all these things. What then did these black republicans do? Did they act up to their professions by favoring this measure of relief and pacification for Kansas? It is almost incredible that they did not. They resisted it to the bitter end. They deliberately voted against the repeal of the laws subversive of the liberty of speech and freedom of the press; against the prompt admission of Kansas as a State, and, virtually, in favor of the continuance of the present territorial government and laws! It is no justification to say that they preferred the Topeka constitution; *that* measure had already failed; and this Senate bill then came up as against the present government and laws of Kansas. These "*friends of Kansas*" decided in favor of the latter. From this record there is no escape. Failing to get the Topeka constitution, which they had claimed as the best thing that could be done, they were bound, as honest men and patriots, to go for the next best; but they have made their record.

What clearer evidence can we have that these agitators do not desire peace in Kansas than is furnished in this brief and true history? The proof amounts almost to demonstration.

But now for *their* remedy—the Topeka constitution. It was objected to by the democratic senators because it was the work of a party, and not of the whole people; because that work was commenced with-

out authority of law, and prosecuted in open defiance and menace of the government and its authority, emanating from and partaking of a spirit of rebellion at every step; *because its recognition by Congress would furnish authority and precedent for revolution against the government, on the ground of alleged grievances, without any previous effort to gain redress by petition*—a step too hazardous, as we believe, for any government. A very brief history of the Topeka movement will be sufficient to convince all of the truth of these allegations.

#### ORIGIN AND AIM OF THE TOPEKA MOVEMENT.

Preparatory to the Topeka movement two conventions were held—the first at Lawrence on the 14th of August, and the second at Big Springs on the 5th of September. The proceedings of the Lawrence meeting are based on the declaration, “That the people of Kansas Territory have been since its settlement, and now are, without any law-making power,” &c.

At the Big Springs convention the following resolutions were unanimously adopted:

“Resolved, That this convention, in view of its recent repudiation of the acts of the so-called Kansas legislative assembly, respond most heartily to the call made by the people's convention of the 14th ultimo for a delegate convention of the people of Kansas, to be held at Topeka on the 19th instant, to consider the propriety of the formation of a State constitution, and such matters as may legitimately come before it.

“Resolved, That we owe no allegiance or obedience to the tyrannical enactments of this *spurious legislature*; that their laws have no validity or binding force upon the people of Kansas; and that every freeman among us is at full liberty, consistently with his obligations as a citizen and a man, to defy and resist them, if he choose so to do.

“Resolved, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a bloody issue as soon as we ascertain that peaceable remedies shall fail, and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory the organization and discipline of volunteer companies, and the procurement and preparation of arms.”

Addresses of the most inflammatory character were made by Governor Reeder and others, avowing their determination to resort to force in case their views were not adopted by the government; that “*they must conquer, or mingle the bodies of the oppressor with those of the oppressed in a common grave.*”

But all doubt on this point was settled by the action of the convention itself, immediately after it met on the 4th day of October, 1855, as can be seen by the proceedings.

A resolution was offered by Mr. Smith instructing the various committees to shape their proceedings with reference to an immediate organization of a State government, irrespective of any action of Congress. The proposition was adopted at the end of a long debate, in the course of which Mr. Delahay, who now claims a seat in Congress under the constitution made by that body, made a powerful appeal against it, on the ground that it made the convention “*an act of rebellion*” against the government; but he was answered by the majority that “*they should not, and would not, wait one day for the action of Congress.*”

The constitution framed by the revolutionary convention was submitted to a vote of the people, and it is a disputed point whether it

received 700 or 1,700 out of the 6,000 then in the Territory! Its advocates only claim for it the sanction of 1,700 people, whilst the other side say it did not receive half that number.

Colonel James H. Lane, claiming a seat in the United States Senate, on behalf of the State erected by this constitution, was deputed to convey to Congress the memorial of the so-called legislature, praying for the admission of the State so constituted into the Union. The scene which followed its presentation in the senate will long be remembered. The document was handed to the venerable Senator from Michigan (Mr. Cass) within a few minutes of the opening of the session, with the request that he would present it, which he did. In the course of the debate, on a proposition to refer and print it, the discovery was made that the paper was not an original one; that the signatures were all in the same handwriting; that it was blurred on every page by erasures and interlineations. A closer examination proved that it was a virtual fraud; that it bore no evidence of authority; that the revolutionary ground on which the convention and members of the legislature had first based their action had been stricken from it, and that it had evidently *been recently shaped to suit the views of the republican members of Congress!* They had taken ground that the Topeka convention was "a peaceable assembling of the people to petition for redress," and the memorial was mutilated to suit their partisan ends. Like Mr. Delahay, they had not the courage to stand up to it if called "rebellion." It must be shaped to suit their partisan issue, though fraud and forgery became the agents of the work. This disfigured document, so imposed upon the Senate, was indignantly hurled back by a vote of 32 yeas to 3 nays, and has remained in silent oblivion ever since!

It is true that the minority of the Committee on Territories in the Senate made a very unfair, though futile attempt to redeem this movement from the odium cast about it by its rebellious and revolutionary aspect, claiming that it was only "a peaceable assembling of the people to petition for redress of grievances." To accomplish this end, the true import of the opinion of Attorney General Butler, in the Arkansas case, was deliberately perverted. Such portions only were used as answered the ends of the committee; and in this way many honest people have been misled as to the analogy between the Topeka movement and that of the people of Arkansas. Had the committee used the entire opinion it would have been fatal to their case. The Attorney General, it is true, conceded the right of the people peaceably to assemble and to make a written constitution, a report of their prayer to Congress for admission into the Union as a State, but he added, "*provided always, that such measure be commenced and prosecuted in a peaceable manner, in strict subordination to the territorial government, and in entire subserviency to the power of Congress to adopt, reject, or disregard them at pleasure.*" We submit to the people of the United States to determine, without further comment, whether it is fair or candid to pretend that the Topeka constitution falls within these rules and principles.

## MICHIGAN VINDICATED AGAINST AN UNFAIR COMPARISON.

Attempts have also been made to find a precedent for this lawless movement in the circumstances surrounding the admission of the State of Michigan. But the following remarks of General Cass, in reply to Mr. Sumner, on this point, and the views of his colleague, Mr. Stewart, presented in another part of this address, will settle the unfairness of that plea beyond cavil.

Mr. Cass. I have listened with equal regret and surprise to the speech of the honorable Senator from Massachusetts. Such a speech—the most un-American and unpatriotic that ever grated on the ears of the members of this high body—as I hope never to hear again here or elsewhere. But, sir, I did not rise to make any comments on the speech of the honorable Senator, open as it is to the highest censure and disapprobation. I rise for another purpose. The honorable Senator has so misunderstood and misapplied the case of Michigan, which he brings forward as a justification of the proceedings in Kansas, that, as I know the facts connected with it, I feel bound to say a few words—and but very few they will be—to the Senate upon the subject.

The honorable Senator has spoken of the right of the people to form conventions with a view to obstruct the authorized laws of the country. I deny such a right. I do not deny the right of any portion of the American people to form conventions; but conventions formed to obstruct the existing laws of the country, unless they succeed, are rebellion. The conventions to which the Senator alluded were held in times of revolution. He referred to the early proceedings in Virginia, while the country was in a state of revolution; when the people rose up to assert their rights; when the Government was opposed to them; and when they had to take measures in their own hands to put down British tyranny and oppression. These were acts of revolution, and justified conventions; but the American people now have no justification for acts of rebellion. Whom do they rebel against? Themselves. The majority always can control the elections, and give form and substance to their representatives to procure any measures they please—not, perhaps, to-day, or within a week, or a month; but the time must come shortly when they will be felt. So much for the States. And Congress is always ready to afford relief and protection to the Territories.

Michigan was guilty of no such crime as that, I am proud to say. The proceedings in that State have no analogy with the proceedings in Kansas. The convention in Michigan was not for the purpose of opposing the law. Let me explain the circumstances in a few words.

The ordinance of Congress of 1787 provided, as I have already said in the Senate, for three States certainly, and two more at the will of Congress, within the Northwest Territory. If the number was increased to five, the first three States were to be bounded on the north by a line running due east from the southern extreme of Lake Michigan. Congress made provision for the three States—Ohio, Indiana, and Illinois. When Ohio came into the Union, she proposed that her boundary, instead of being the east line, should, if it was found that that line would strike Lake Erie south of the north cape of the Maumee Bay, be a straight line from the southern extremity of Lake Michigan to the north cape of Maumee Bay.

When her constitution came before Congress for acceptance, a committee of the House of Representatives, at the head of which was John Randolph, took charge of this subject, and that committee reported that Congress ought not to change the line. Congress had, in the mean time, provided for the territory of Michigan, with the east line for its southern boundary. The Senate will recollect that the provision of the ordinance of Congress of 1787, with respect to the States to be formed in that region, was, that when they had sixty thousand inhabitants they should be admitted, by their delegates, into the Union. The words were, "should be entitled by their delegates to take a seat in Congress." It was contended, in early times, in that country, and, for myself, I think correctly, that the people, at any time when they numbered sixty thousand, under that ordinance, had the right themselves, through the action of the Territorial Legislature, to come forward and claim admission. That was the foundation of the proceedings of the State of Michigan based on the law which I now state.

Michigan had a population of sixty thousand, and came forward for admission into the Union. A convention was called, not by the act of the people—that is, not by the act of individuals—but by a law passed by the Territorial Legislature. Their convention as-

cumulated and formed a State constitution, and came forward claiming their boundary to the line established by the ordinance of Congress, and not acknowledging the Ohio line. My honorable friend from California, who was then a citizen of Ohio, I presume was in the State at the time. He knows there was almost civil war. He must remember that the militia of Ohio and Michigan were called out. I was here in the Cabinet of General Jackson. I knew his anxiety. We were all apprehensive that a war might break out.

In reply to Mr. Wade and Mr. Trumbull, who had argued that the admission of Michigan into the Union furnished a precedent for accepting Kansas on the Topeka constitution, Mr. Stewart submitted the following overwhelming argument:

"If the Senator will hear me, I will show him that he is mistaken in every particular. In the first place, the ordinance of 1787 authorized a certain number of States to be formed out of the Northwestern Territory, and authorized their admission into the Union whenever they should have sixty thousand inhabitants. Acting upon that authority, the Territorial Legislature of Michigan, after we had that number of inhabitants and more, passed a law to enable the people to elect delegates to a State convention to form a State constitution. Those delegates were elected, and they formed a State constitution, and submitted the adoption of it to the people of the Territory, and the people adopted the constitution. They elected a legislature under it, and they elected their senators to Congress. The people elected a representative to the other House. They came here, and demanded admission into the Union. All this was done in virtue of the territorial laws of Michigan, acting in virtue of the ordinance of 1787. When they came here, Ohio disputed the southern boundary. That boundary included the mouth of the Maumee river. It had, up to that time, been within the jurisdiction of the Territory of Michigan. It had not been within the jurisdiction of Ohio. All the officers, township and county, justices of the peace, and all others, were Michigan officers down to the southern boundary which we claimed; but Ohio claimed a right to that portion of the Territory. Congress took up the subject, and determined that Michigan should release that boundary, and carry it ten miles further north, as a condition of being admitted into the Union; and they determined that that consent should be given by 'a convention of the people.' That is the language of the law of Congress. They did not say how that convention should be called. They did not say that it should be called by the legislature. They did not say that there should be legislative consent; but they said a convention of the people of Michigan should consent to that boundary. The legislature afterwards called a convention, and that convention rejected the proposition. The people then took up the subject themselves, and they called a convention. That convention accepted the proposition; and that acceptance was sent to the President of the United States. He transmitted it to Congress; and Congress, after full debate, decided that that acceptance was within the terms of its own law. Therefore, you see, sir, that there was not a movement in Michigan, from the beginning to the end, that was not in accordance with the provisions of a law, either of the Territory or of Congress, or of both. Now, here is the Topeka constitution, formed throughout without law from its inception to its end, admittedly by its friends, and yet it is said to be a parallel case to Michigan. I submit that there is not a single circumstance, from its commencement to its end, that is parallel; and I hope (although I confess that I have no ground to hope, from past experience) that it will not be asserted, at least here again, that the case of Kansas and the case of Michigan are parallel."

There are also a few additional features of this Topeka movement which are not inappropriate at this point. They may serve to illustrate the sincerity and consistency of its advocates as the friends of the colored race and the opponents of laws not authorized by a majority of the people.

One is the 1st section of the 11th article of the constitution, to be found on page 631 of the report of the House committee to investigate Kansas affairs, which provides that the constitution shall not be amended or altered prior to the year 1865, nine years after its adoption. The black republicans have indulged in unlimited denuncia-

tions of the laws of Kansas, because a majority of the people did not authorize their adoption, and yet, at the same time, you see they insist upon the recognition of a constitution, *unalterable for nine years*, brought forth in the most informal mode, and unsustained by that great element of authority, the popular will.

Another is, that at the time the constitution was made it was determined to submit to a vote of the people the question of admitting or excluding free people of color from the State; the decision to be binding upon the legislature. The vote on this subject can be found in the report of the committee, between pages 718 and 755, inclusive, showing a decided majority in favor of "exclusion."

On page 645, under the ominous caption of "*Constitutional Proclamation*," James H. Lane, as chairman of the executive constitutional committee, announces the result of the vote as follows, to wit:

"And I do further proclaim and make known, that of the votes cast at the aforesaid election for and against the passage of a law, by the General Assembly, providing for the EXCLUSION OF FREE NEGROES FROM THE STATE OF KANSAS, the result of such vote to operate as instructions to the first General Assembly—a majority are in favor of exclusion, as ascertained by the returns of said election now on file in the office of the executive committee.

"JAMES H. LANE, *Chairman Executive Committee.*"

Here is a specimen of the humanity and liberality of those who are so constantly "shrieking for liberty in Kansas," who are daily shedding crocodile tears over the hardships of the down-trodden negro. They are the advocates of the same provision, resisted in 1819 by Mr. Adams and others, the insertion of which in the constitution of Missouri kept her out of the Union until she repealed it. These philanthropists mean to have Kansas free, indeed—free of colored freemen as well as of slaves! Expulsion of the colored race, bond and free, from the enjoyment of the rich valleys and pure air of free Kansas, is what *they* mean by liberty and equality—the hypocrites.

We have now, fellow-citizens, given you the history and character of the measure which the friends of Colonel Frémont wish you to sustain in preference to the wise and just law passed by a democratic Senate; and we shall await your verdict with confidence. We are entirely certain that you will never sanction a measure so fraught with mischief to our institutions—so tarnished with violence, insubordination, disorder, and fraud, and so unsustained by that great element of governmental power, the will of the people.

#### DEBATE IN THE SENATE.

We now ask you to read the following remarks of Mr. Toombs, delivered on the 2d of July, in explanation of the character and effect of his bill, and his views and purposes in presenting it. We are quite certain that you will agree with us that they are able, clear, and patriotic, and evince no want of courage or frankness in the author of this great measure of freedom and justice.

Mr. Toombs said:

*Mr. President and Senators:* It was not at first my purpose to add anything to the observations which I made when I gave notice of the bill which is substantially the one

no debate the Senate. I have never been under the necessity of making one speech to explain another. Though that was brief, it told plainly what I wanted, what I meant to do, and how I intended to do it. At the same time, I declared my willingness to accept amendments from those who agreed with me, so as to do these things in the most effectual manner. With that view, I accepted with pleasure the few amendments to the bill proposed by the Committee on Territories, and was obliged to them for correcting my own errors in matters of detail with which they were much better acquainted than myself. Nor, sir, would the motion of the senator from Massachusetts (Mr. Wilson) have altered my determination but for its being seconded by the senator from New York, (Mr. Seward,) accompanied with the assignment of reasons so untenable and extraordinary for his position.

The senator from New York, in a speech delivered some two months since, after recounting the various grievances of the people of Kansas, (which had no other foundation than his own imagination, and the unreliable sources from which he usually derives his information, sustained not by proof but by intrepid assertions,) called upon the Senate, and upon the country, to give peace to Kansas by introducing her as a State, with the Topeka constitution. The foundation upon which he offered that constitution to the acceptance of the Senate and the country was, that it was the voice of Kansas, the will of her *bona fide* inhabitants. He assumed, enlarged upon it, and proclaimed it to the civilized world as a fact, that the voice of Kansas was smothered by invasion, that her true people were overrun and conquered by aliens, that their ballot-boxes were seized and their liberties were trampled under foot by foreigners; and he demanded that you should give justice to Kansas by allowing her people to make their own institutions. When he made that demand, though I admitted none of his assertions to be true, though I denied the truth of every single fact upon which he based his demand, I thought I saw in his demand a basis for a speedy and satisfactory adjustment of this question, if he were sincere in his demand. I had again and again avowed my purpose to allow the people of Kansas the right to make their own domestic institutions, under the organic law and the constitution. I stood pledged to that policy as a public man, a pledge which I have again and again, at this session and at previous sessions, reiterated my readiness to redeem.

Then there was a common point of agreement between us. It was not upon past grievances; for there we differed. It was not upon his allegation of frauds or injuries inflicted on the inhabitants; for those I denied to the extent stated by him and his friends. But we agreed that the people of Kansas should legislate for themselves, without the intervention of force, fear, or fraud. We had but one point to settle—what was the will of Kansas? That senator asserted that the Topeka constitution was the true exponent of that popular will, and as such he demanded its acceptance. He put it to the Senate, the country, and the civilized world, that such was the fact. I did not think he believed it; I do not think so now; but I determined to meet him fairly on that issue, to test the sincerity of these declarations. I was willing to give down-trodden Kansas, if she be down-trodden, a right to make her own institutions, under the constitution; according to her own will. This is the principle upon which I supported the Kansas-Nebraska bill. I stood upon it in no fraudulent or double sense, but as an honest man ready to maintain it in the Senate and before the country, at any time and at all times. I determined to give peace to the country, if this would do it. It was in affirmation and not in derogation of the principles advocated by the friends of the original Kansas bill. I only required one fact to be established: Is the Topeka constitution the voice of Kansas? This is the only question I asked; this is the sole demand I made; this is the sole difference between my proposition and that proposed by the senator from New York. I did not believe he wanted any settlement of this question, and he has since satisfied me abundantly of the truth of that belief. I believe he wanted grievances; I believe he wanted discord; I believe he wanted anything but peace; I believe he wanted nothing but revolution, or a state of things sufficiently near it as to give power to his party. I will offer the evidence of this belief to the Senate and the country. He and his associates told us this same story, with all its variations—the free-soilers, the abolitionists, the two senators from New York, the senator from Vermont, (Mr. Collamer,) and others repeated it. I believe the senator from Vermont went so far as to suppose that nineteen-twentieths, or some other large number, of the Kansas population were all on one side. He told us in his report that Kansas was down-trodden; that the laws made by the legislature were not the laws of Kansas, but were made by representatives of Missouri; that the majority of the people of Kansas abhorred them; that they were imposed on them by force and by fraud.

Mr. COLLAMER. To the gentleman alluding to me?

Mr. TOOMBS. Yes, sir. In the senator's speech he said the laws were against the will of the real settlers.

Mr. COLLAMER. I said—and I produced my proof by reference to the returns—that the legislature was elected by Missouri votes.

Mr. TOOMBS. And did not represent the will of the people of the Territory?

Mr. COLLAMER. Yes.

Mr. TOOMBS. That is what I stated.

Mr. COLLAMER. I meant simply that a large majority of the votes which created the legislature were cast by people from Missouri.

Mr. TOOMBS. That is what I stated to be the gentleman's position. Then I am not mistaken in asserting that the senator set forth before the country, in an elaborate report, the position that the present government of Kansas was against the will of the people of Kansas; that a large majority of those people were opposed to the laws enacted by the legislature; that a majority wanted the Topeka Constitution; that the majority had been invaded, overridden, trampled under foot, ravished, plundered, imprisoned, murdered—as we have heard to-day. I did not believe a word of all this. I did not think those who said them believed them. I intended to apply a test to them which would show whether those senators would act as all reasonable men would who believed their statements; or whether I was sustained in my opinion of their objects, views, and purposes. I submit that point to the American people and the world. The senator from Massachusetts, now absent from his seat, [Mr. SUMNER,] told very much the same story. He spoke of down-trodden Kansas, overridden Kansas, plundered Kansas. He told us that her people had, by a foreign invasion, been deprived of the right which had been promised them—of being allowed to select their own institutions for themselves. However variously ramified, enlarged, painted, or bedaubed, this was the basis, the corner-stone, upon which were built all of their pretended grievances—all of their frantic agonies.

If these things were true, they demanded redress; but the facts being controverted, the first step towards any just measure of redress would be to ascertain the facts—to learn the truth, and then to act upon it—to act promptly, efficiently. The measure which I proposed was founded on that principle. I sought to ascertain the facts in the best possible mode that my own mind could suggest, to the end, that if these alleged wrongs were true, to remove them; and if they were not true, to demonstrate it to the thousands of honest men in the republic who have been deceived and deluded by falsehoods concocted in the Territory, and daily transmitted to the public through congressional speeches and reports, in order to conceal the base metal under the cover of official sanction.

I came forward to offer it, not in a spirit of compromise, as I said to the senator from New York, but in vindication of a principle. I offered it on principles which have been affirmed by the great body of the American people. I did not expect to satisfy bad men on any side. When, four years ago, the present Chief Magistrate was elected—and I believe most of these gentlemen voted for him, or his prominent opponent, General Scott—the people of the United States, with singular unanimity, declared it to be a sound fundamental principle that, when the people of a Territory came to be admitted into the Union, they should be admitted with or without slavery, as the *bona fide* inhabitants should determine. This was affirmed at Baltimore by the democratic and whig parties; it was affirmed by nineteen-twentieths of the American people. Then, without going into controverted questions, as these gentlemen demanded what the democrats and whigs declared to be correct—as they demanded what I held to be the true principle—I felt ready at any moment to grant it. But what did I require? Simply that the fact upon which it all turned should be truly ascertained. I said: "Gentlemen—you the senators from New York, you the senators from Massachusetts, you the senators from Vermont—(whom I had long known, and thought I could safely rely upon for a fair judgment)—if you say the voice of Kansas is for a free State, take what I offer; I present you a proposition to let her have her own free choice forever. If you have spoken truly for her, why do you not take the coveted prize?"

When I make the announcement that I am willing to surrender Kansas precisely in conformity with the will of the nation—in conformity with your own declarations, how am I met? I offer you a pure and undefiled ballot-box. I protect it by all the means which law, backed by force, can give it. I offer the entire military force of this great country to secure to you that inestimable privilege—a free, untrammelled, and uncontrolled ballot-box. How am I met? Instead of a pure ballot-box, the senator from Massachusetts and the senator from New York tender me the cartridge-box. Mr. Presi-

dent, if I believed those gentlemen represented the North, I would accept it and withdraw my bill now. If I believed the people of the free States were ready for that issue, before God and my country I would not shrink from it. I am content to accept it whenever the North offers it. I present no compromises; I present principles; but I do not know what claim either of those gentlemen has to speak for the North. I see around me able, patriotic, and venerable statesmen—some of whom have for fifty years, in peace and in war, been honored and trusted by the North, by the South, by mankind. They give me a different account of the North. The representatives of millions of northern freemen, from every State, county, and town in the non-slaveholding States, met in council with their countrymen of the South four short weeks ago. I consider them better witnesses of the feelings and wishes of the North than the black republican and abolition senators on this floor. In regard to the senator from New York, to my knowledge, for the last ten years all parties have dreaded nothing he would do or say so much as the odium of his alliance. I deny their right to speak for the North.

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We next call your special attention to the following extracts from speeches delivered in the Senate on the 9th of July, pending the question on General Cass' motion to print twenty thousand copies of the Senate bill for circulation. They are selected in the order in which they were delivered, and will serve still further to illustrate the noble and just position of the democracy, as well as the inconsistencies and absurdities indulged in by the opponents of the bill:

Mr. TOUCET. Mr. President, the House of Representatives has passed a bill for the admission of Kansas into the Union upon the so-called Topeka constitution. The Senate, not satisfied with that pretended constitution, on the ground that it was a mere partial revolutionary movement—that it was against law—that it was adopted by only a portion of a party which had no power to act for the people of Kansas, or to impose on them a constitution, have submitted a proposition and passed it, by which the question shall be submitted to the *bona fide* settlers of Kansas, and a constitution formed, if they see fit to form one. The bill which was passed by the House of Representatives, and sent to the Senate, has been amended by substituting the bill of the Senate, and sending that to the House; so that the issue is made between the majority of the Senate and the majority of the House of Representatives, upon one point only—namely: whether a constitution fairly formed by the whole people of Kansas, in the manner provided by the Senate's bill, is to be preferred over the revolutionary constitution which was attempted to be made at the Topeka convention.

Now, sir, I desire that this bill of the Senate—which is so just and fair in itself—which provides against every evil, so far as I can judge, that has been complained of—may be spread before the country in the fullest manner for the information of the public; and I know of no mode in which it can be done so effectively as by sending out the bill itself without note or comment. Let the people judge, from an inspection of the bill itself, whether we ought to have adopted it—whether we, who originally proposed to leave the whole subject of their domestic institutions to the people of Kansas, intend to carry out that measure in good faith. For one I was committed to that measure at the outset, and I intended that the people of Kansas, fairly and freely, without any external interference from any quarter, should, as every State does, and as every community has been accustomed to do from the first settlement of this country down to the present time—exercise the right of self-government, and decide for itself upon its own domestic laws and institutions.

Sir, I wish to appeal to the people of the country, by the bill which we have presented, and now again present to the House of Representatives, both as an original proposition, and as an amendment to their bill—whether we do not now propose to carry out that doctrine fairly and truly as we avowed? I desire no better vindication of my course than that the people shall read this bill. There was only one objection to it, and that was the want of numbers; but the House of Representatives has waived that objection, and we have waived it. We do so on the ground of the difficulties now existing in Kansas, and we apply a remedy. That remedy is, by the action of the *bona fide* settlers, forming a constitution for themselves without external interference, and we mean to uphold them in their right to form their own constitution, and to establish their own do-

domestic institutions, as every State in the Union now does, and has hitherto been accustomed to do.

As I said before, I wish this bill to go to the American people. It has been misrepresented; it is now grossly misrepresented. Instead of taking the misrepresentation, I wish the bill to go to the people, that they may see what it is, and that intelligent men everywhere may understand what it is.

Mr. FESSENDEN. Will the honorable senator allow me to ask him in what particular it has been misrepresented?

Mr. TOUCHY. Misrepresented, sir! It is represented as a mere slave measure; it is represented as an unfair measure; it is denounced and misrepresented as designed for other purposes than to secure to the *bona fide* settlers of the Territory the right of self-government; and there are thousands who will never know, until it is too late, what is the true character of this bill and what are its provisions. I desire that the bill may go before the people at the north, and throughout the whole north, that they may see and know who they are who are disposed to leave it to the people of the Territory to govern themselves, to make their own laws, to establish their own institutions, and who propose a different and an opposite course. \* \* \*

Mr. WELLER. I do not desire to engage in the discussion of the merits of the bill; I only wish to say a word in regard to the publication of it. I am very glad to find that the senators from Ohio and Massachusetts are willing to print twenty thousand extra copies of the bill in order that the people may understand precisely the position which the majority of the Senate occupy on this question. The senator from Massachusetts certainly must know that this bill has been shamefully misrepresented—I do not say by any senators here, but by the public press of the country—and I am satisfied from what I have seen, that there are really some very intelligent editors in the country who do not comprehend this question, who do not understand this bill as it has been passed by the Senate. Why, sir, the misrepresentations of the public press are of such a character that no public man dare now go before an assembly and read a newspaper as authority. I grant you, this bill will be published in the newspapers; but where will you find a public man who will risk his reputation by reading a newspaper as authority to sustain any fact which he may affirm? I know that in the State of Ohio no public speaker dare allude to a newspaper as authority for any statement he may make. Therefore it is that I desire to get this bill in an official form. It will then be a document which cannot be controverted. The public press very often misrepresents senators. They have even gone so far as to say that the senator from Massachusetts the other day, in a public speech which he made in the city of Philadelphia, declared that Mr. Buchanan had affirmed that, if he had a drop of democratic blood in his veins, he would let it out. Now I am sure that it is a misrepresentation of the public press. The senator from Massachusetts is an intelligent man, and never could have uttered any thing so destitute of truth as that.

I only allude to this to show the misrepresentations of the public press, not only as to public men, but as to public measures. We desire, on this side of the chamber, that our position shall be understood. Let the people read the bill, and my word is it they will never give such a construction to it as has been given to it by the senator from Ohio, (Mr. Wade.) At all events, let it go out. We shall meet them at the ballot box; we shall argue this question there; and if the judgment of the people be against it, we shall submit. We shall not threaten revolution, as some of the leading newspapers on that side have done. We shall not threaten force and violence. We shall threaten another appeal to the ballot box at some other time.

Mr. BIGLER. Mr. President, I have listened to the remarks of the senator from Massachusetts with surprise. He has gravely inquired for the time and occasion when the bill (which it is proposed to print) was misrepresented. Why, sir, there can be no difficulty in answering that question. He has done so himself. Immediately after making the inquiry, the honorable senator asserted, with great earnestness of manner, that the intention and purpose of the bill is to carry out the work already commenced by the border ruffians of Missouri! Will the senator say that such statements are not a palpable misrepresentation of the measure? Will he pretend that the language of the proposed law justifies any such conclusion? What feature of the act has brought the senator to the belief, that the intention is to carry on the work of usurpation, fraud, arson, and murder, which he has told us has been begun in Kansas? What language in the bill looks to a work of that kind—that justifies, invites, or countenances it to the slightest extent?

Now, sir, when this measure was first under consideration, the senator made a statement similar to that which he has dropped this morning. He then said the intention

was to bring Kansas into the Union as a slave State. Will not such statements be picked up by the press in his part of the Union, for the purpose of creating the impression that there is some hidden purpose in the bill calculated to do injustice to a portion of the people of Kansas? And yet the senator manifests surprise that misrepresentations should be anticipated.

Now, sir, I assert, unqualifiedly, that the bill intends no such purpose as that imputed to it by the senator from Massachusetts; and I ask him to point to the section or clause that justifies his assertion. Its language and purpose are clear, so much so, that the wayfaring man cannot misunderstand it. It simply intends that the people—the *bona fide* citizens, now in Kansas, shall, by the expression of their will, uncontrolled, decide the question of slavery for themselves—shall determine whether they will have the institution or not. Is this not fair? Have we not been told by both sides, that they ask nothing more? Is not this in accordance with the spirit of the organic law?

But we are next told by the senator from Ohio, that if a little more time had been given for the organization of the State under the bill, it would have been more acceptable. This is extraordinary logic to come from those who insist upon the admission of Kansas, immediately, on the Topeka constitution; a measure adopted when the population was far less than at present, and which, on the face of the proceedings connected with it, only purports to come from a portion of the people—those not content with the territorial government. Again, he alleges that a certain class of the inhabitants have been driven out. The honorable senator is certainly aware that the eleventh section of the bill, as passed by the Senate, makes a provision, that all those who at any time had been citizens of the Territory, and had left, temporarily, because of the bad condition of society, or for any other reason, shall have the right to return and participate in the election.

Mr. WADE. Does this bill give any additional right to the people to return there? Have they not a right to go there whether your bill passes or not? Is there anything gained by it?

Mr. BIGLER. Certainly the people can return to the Territory, whether the bill passes or not; but that is not the point. The senator knows that the 4th day of July, 1856, is named as the time when the bill shall take effect. Those who are citizens at that time are to have the right to vote for delegates. The senator, and those acting with him, objected to this feature, alleging that the free State party had been driven out of the Territory, and therefore the tendency was to make Kansas a slave State. This objection was promptly met by a provision from the committee, which I have just described, that all who had left could return and participate in forming a State government. The commissioners appointed to superintend the election are directed to enter the names of all such on the list, and permit them to vote for delegates; so that all the qualified voters who were in the Territory at the time the Topeka Constitution was made, and all who have at any time made their residence there up to the 4th of July, 1856, will have a part in making the constitution. Surely, Mr. President, no man who advocates the Topeka constitution can consistently object to this bill on the ground that all the citizens are not to participate in carrying out its provisions. Any objection to the Senate bill on that point will apply with destructive force to the Topeka movement.

It is most extraordinary, Mr. President, that we should be lectured—no, I will not say lectured—but edified from the other side, on the necessity of order and form in our movements—that we should not attempt suddenly to force a measure on the country which is not intended to accomplish the end which appears on its face, and at the same time be urged to sanction the Topeka constitution, a step which all must agree was taken, not only without authority of law, but in derogation of all law, and which progressed in menace of the government, at every step, and which has been marked by violence and disorder in every stage of its emanation.

Now, sir, I wish to say to the senators from Massachusetts and Ohio, very distinctly, that when they describe the tendencies of the bill as forcing slavery into the Territory, and as perpetuating the work of the border ruffians—if they mean to say that I seek to produce such consequences, they misrepresent my motives. I simply intend that the *bona fide* citizens of Kansas shall, without dictation from any quarter, decide the question of slavery for themselves. This is all the bill intends, or is calculated to produce. I have liked this measure from the beginning, because I thought it contained the elements of peace and quiet, together with those of perfect fairness to all; its leading idea being the prompt termination of the contest as to the local policy of the Territory touching the institution of slavery. We have been told by the other side that there was no remedy.

for the state of society in Kansas but her prompt admission into the Union as a State, and this is what the bill provides for. We have been told, also, by these gentlemen, that they had no confidence in the local government of Kansas—that it was controlled by the slave power entirely—that free State people were driven from the polls. In order to meet this objection, an independent organ has been provided, to administer the provisions of the law—a board of five commissioners, to be taken from both sides, and who, I trust, will be able and pure men, and who are to be clothed with ample power to protect the ballot-box against aggressions from Missouri or any other quarter. They can even call in the aid of the military to accomplish this end. Now, sir, I am not to be misunderstood on this subject of intrusions from Missouri. I countenance no such. I have uniformly discarded and condemned them. I seek only a fair and free expression of popular will.

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But we have been exultingly told that we have abandoned the doctrine of non-intervention by the bill. I do not intend to argue this point at length. The senator from Michigan, when the bill was under consideration put that allegation down. I certainly do not intend to impair the doctrine by any act of mine, for I intend it shall be a finality on this subject. But I can see a very clear distinction between annulling laws clearly unconstitutional, and in violation of the letter and spirit of the organic act, and a law of Congress dictating or interdicting a local institution—saying that the people should or should not sell ardent spirits—that they should or should not hold slaves. It should be observed, again, that the proposed action has special reference to the preparation of Kansas for admission as a State, and not to her policy as a Territory. I am aware, Mr. President, that some features of the bill look like interference; but the Kansas-Nebraska act declares that the action of the local legislature shall be confined to rightful subjects of legislation. Will it be pretended, then, that interfering with the right of free discussion is a rightful subject of legislation? I do not care to raise the question of congressional power, for I hold that, however the question may be decided, it is politic for Congress not to exercise the right to interfere with the question of slavery in the Territories.

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In conclusion, Mr. President, I wish to repeat that the vitality of this bill is found in that feature which so promptly terminates all motive, on the part of outsiders, to force a temporary population into the Territory for the purpose of shaping its policy on the subject of slavery. So soon, then, as the bill shall become a law, that feature will take effect. Thereafter it will be idle for the advocates of slavery on the one hand, and the enemies of the institution on the other, not residents, to continue their efforts and excitement. I seek to adopt a measure of peace; and much as I dislike the precedent for the admission of States with very small population, I am willing to forego this, because I think the exigencies demand extraordinary measures. But I cannot vote for the admission of Kansas on the Topeka constitution. It would be the recognition of violence—of usurpation, and because it would be unjust to a portion of the people—would countenance revolution, attempted without any previous application for redress—for the Topeka convention took the subject into their own hands, without asking redress at the hands of Congress at all. Both sides have invited the proposed measure by seeking early admission into the Union, and I have no fear of the result; the provisions of the bill will be embraced. The senator from Massachusetts [Mr. Wilson] has said that the consequences will be to bring Kansas in as a slave State; and yet that senator has uniformly claimed, as have all on the other side, that three fourths or nine tenths of the people of Kansas are for a free State, and I have shown that all who may have left have the opportunity to return. Up to the introduction of this bill we have been told by the other side that all they desired was a fair expression of the will of the people. This bill will afford an opportunity for such expression, and those who oppose it must take the responsibility. I shall vote for the motion to print.

Mr. DOUGLAS. I shall not detain the Senate long. The excuse heretofore given for resisting the law and shooting down the officers of the law in Kansas, has been that the same legislature which made the Kansas code passed two or three statutes which the residents did not like—statutes invading the liberty of the press and the freedom of speech, and imposing certain tests for voting and for jurors. It was said that these particular laws were barbarous and monstrous—that a free people should not submit to them, and that, whilst such laws stood on the statute book, they were justified in resisting the constituted authorities of the Territory. Well, sir, the Senate has passed a bill

which declares all such obnoxious provisions or laws in the Territory null and void. Every statutory provision which has been given as an excuse for resistance to laws, has been blotted out. What excuse now have you for getting up rebellion, and riots, and bloodshed, and house-burnings in Kansas? If now you resist the law, you are resisting statutes that are acknowledged to be proper and wise—those which punish murder, and house-breaking, and robbery, and those crimes that are punished, and ought to be punished, in all civilized communities. What excuse have you now for resistance to the law? Do you say that the murderer should not be punished, because you do not believe that the legislature was fairly elected which made the law against murder? Are you going to rescue the thief because you do not like the legislature that passed the law against larceny? The obnoxious laws are gone, and the senator from Ohio [Mr. Wade] laments that they are gone. He laments it in his speech, and I have no doubt laments it in his heart. The material out of which political capital is to be made is gone.

Gentlemen have been kind enough to say that the object of this bill is to make a slave State in Kansas. I show them that by the provisions of the bill its object is to allow the people to make just such a State as they wish. The Senator from Maine (Mr. Fessenden) says he has a right to go a little behind the face of the bill, and give his opinion that the object is to make Kansas a slave State. Conceding that right, and acting upon it, I have a right to come to the conclusion, that all these gentlemen want is to get up murder and bloodshed in Kansas for political effect. They do not mean that there shall be peace until after the Presidential election. They sent their partisan agents to get up rebellion, to commit crime, to burn houses, and then their newspaper agents are to report these acts here, and charge them on the border ruffians. This whole game of violence there, and the publication of it here, is done by the one and same set of men—done for political effect. It is a part of their game. They do not mean that there shall be peace. Their capital for the Presidential election is blood. We may as well talk plainly. An angel from heaven could not write a bill to restore peace in Kansas that would be acceptable to the Abolition Republican party previous to the Presidential election (Laughter and applause in the galleries.)

The PRESIDING OFFICER, (Mr. FOOT,) order.

Mr. DOUGLAS. The Senate has passed and now propose to print a bill no man on earth can pretend is not fair, just, and equitable in all its provisions. Even the most hardened partisan does not pretend to say the bill is unfair. Then why not go for it? They say there is something beyond it. The Senator from Vermont (Mr. Collamer) says he must look at the cause of the difficulty, in order to provide the remedy. But if this bill is a fair one; if its provisions are such as will insure a true expression of the popular voice of Kansas, why not agree to it? You say you do not like the cause that produced the difficulty in Kansas. Nor do we. We believe that you originated all the difficulties, and are justly responsible for the consequences; we believe your Emigrant Aid Society was organized for such purposes. We believe there never would have been any trouble in Kansas but for your efforts, and that they were for political objects. Still, you have brought these difficulties upon Kansas, and we have to deal with the facts as they are. We have to deal with existing facts. Shall we refuse to remedy the evils because we feel and know that you produced them; or will you refuse to remedy the evils because you charge the origin of them on us? We are bound as honest men and patriots to apply a remedy to the evils, no matter from what quarter they may have originated.

Then, sir, if it be an evil to have laws in force infringing the freedom of speech in the Territory, why not join with us to pass this bill, which obliterates those laws? If it be an evil of such magnitude as to justify rebellion and bloodshed to have the test oaths in the Territory, why not join with us in blotting them out? If there be such evils as are portrayed in Kansas, why not join us in applying the remedy? No; you vainly hope that you can make the people believe that the Democracy are responsible for the consequences of your own acts, and thus gather political capital from the blood of your fellow-citizens, if violence can reign and the excitement last until the Presidential election. Hence, law must not prevail—life must not be safe—property must not be secure—peace must not be restored in Kansas, if the Abolition Republican leaders can prevent it until after the election. You mistake, if you suppose the people will not be able to understand this scheme.

When we present you with a fair bill designed and calculated to have a fair election, if you are willing that there should be a fair election, why not join us in passing the bill? Your excuse is, that the free State men have all left Kansas, and that there is no hope or expectation that they ever will return. If, for the sake of the argument, the truth of this position should be granted, would that fact furnish sufficient reason for

denying to the actual inhabitants of Kansas—those who intend to remain and make it their home—the right of living under a constitution and laws of their own making? By the terms of the bill, all who have left have the right to return and vote at the election. If they do not return and make Kansas their home, and vote at the election, it will be their own fault or choice. But is it true, in fact, that the great body of the free State men have left Kansas? If they have, and if it be true that they will not go back, do you propose to give effect to a constitution which they made, and to which they will not return and live under? If your statement be true that they have all left, you have got a constitution which nobody in the Territory is in favor of—a constitution to govern a people, all of whom are against it—a constitution in the making of which nobody there participated. If your statement be true that those who made the Topeka constitution have left and gone to parts unknown, and cannot be induced to return, with what propriety or truth can you say that the constitution ought to govern a people who are opposed to it, and had no voice in making it? But why talk about the free State men, or any considerable portion of them, having been driven from the Territory? If the newspapers are to be believed, a few have left on both sides, and probably in about equal proportions in respect to numbers.

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Then, I ask, what cause of complaint is there, that the free State men have left the Territory? How long is it since this cry has been raised? The whistle was sounded by the leader (Mr. Seward,) and every one repeated it like a parrot. Up to the moment this bill was submitted to them—up to that very instant of the time—the leader said, and every one repeated it, that the free State men were in the ratio of ten or twenty to one to the pro-slavery men of Kansas. You all affirmed the statement, and repeated it over and over again in your speeches, as a reason why Kansas should be admitted with the Topeka constitution. You all averred that the Topeka party comprised a vast majority of the inhabitants of Kansas—some of you stating that a majority ten to one, while others estimated it at twenty to one; but all agreeing that there was an overwhelming majority in favor of a free State, and for that reason, insisted upon the admission of Kansas with the Topeka constitution. You affirmed the truth of this fact up to the very hour that the Senator from Georgia gave notice of his proposition to ascertain, by a fair election, the real opinions and wishes of the people of Kansas, when suddenly you all changed your tune, and declared that such a law would result inevitably in making Kansas a slave State. How could such a bill make Kansas a slave State, if a majority of the people were opposed it? It is admitted on all hands that the bill is just and equitable in all its provisions, and provides for a fair and impartial election. Your argument was, that Kansas should be permitted to speak; that her voice should be heard; her will obeyed, by allowing her people to have such a constitution as nineteen twentieths of them demanded. You said it was a great crime against Kansas, to compel the majority to submit to the minority; that a free people would not submit, and ought never to submit, to a system of laws forced upon them in opposition to their wishes, and regardless of their rights under the organic law to decide the slavery question for themselves.

Now, when we propose to permit Kansas to speak, and to speak her own voice, uninfluenced and unawed by any foreign power, or any other power than their own free will, your excuse for denying them the right of making their own fundamental law, is that your friends have been driven out, or they are imprisoned! Imprisoned! for what? You give us to understand that they are all in prison for violating the law abridging the freedom of speech and of the press. Bear in mind—and I have had to remind you of it several times this session—there has never been one of your men imprisoned for a violation of either one of the obnoxious laws of which you have complained. If it be true, as is now said, that they are in prison, and under arrest for a violation of any one of those laws, this bill abrogates those laws, and thus releases your prisoners. There is no lawyer will deny that a bill repealing a penal law without a reservation as to pre-existing offences, dismisses the indictment, and releases the prisoner. It is a general jail delivery of the whole Territory as to any crime or alleged offence under any one of those obnoxious laws which you say ought not to be in force. Then what comes of your complaint that your men are all in prison? If they are in prison, they are not there for violating any one of those obnoxious laws. If they are in prison, they are there for larceny, for murder, for robbery, or for some other crime, punishment for which is usual and proper in all civilized communities. They are not in prison for violating any law abridging the freedom of speech, or the liberty of the press, or any other right

held sacred in any Christian country. I repeat that all laws of which you complain have been declared null and void, as being contrary to the true intent and meaning of the organic law, and the Constitution of the United States.

Then what becomes of your objections to this bill? You are driven back to the flimsy pretext that it is a bill to make Kansas a slave State, and is so designed—yes, “designed” is the word. The bill provides that it shall be a free State, if there are a majority of the people for making it a free State, and a slave State, if a majority are in favor of its being a slave State; yet you say it is a bill to make Kansas a slave State. This allegation cannot be true, and you cannot believe it to be true, unless a majority of the *bona fide* inhabitants are opposed to the Topeka constitution, and in favor of making Kansas a slave State. Do you pretend that there is a majority there in favor of a slave State? If a majority of the *bona fide* inhabitants are in favor of a slave State, they have the right to make it so; and it is our duty to receive it into the Union either with or without slavery, as they shall determine. The will of that people fairly expressed, honestly embodied in their constitution; ought to be the fundamental law of the new State.

I have a word to say on the subject of popular sovereignty, inasmuch as the gentleman from New Hampshire has brought it into the debate. He certainly could not have been here the other night, or else he is very forgetful, when he says the doctrine is now abandoned—that the legislature of a territory has the right to legislate on the subject of slavery, in obedience to the Constitution. Did not the senator from Michigan [Mr. Cass] affirm that right in debate the other night? Did not the senator from Connecticut [Mr. Toucey] vindicate that right in the same debate?

Did not the senator from Ohio [Mr. Pugh] avow and defend the same doctrine? Did I not do the same thing in that debate, in language so explicit and unequivocal that no man can be excused for misunderstanding? Did not every senator on this side of the chamber, without one exception, who spoke on the subject, distinctly avow and defend the same doctrine? And yet, in the face of all these avowals in the last debate which has occurred on the subject, we are told by the senator from New Hampshire [Mr. Hale] that the doctrine is abandoned. Abandoned! when, and by whom? Certainly not by its advocates. The doctrine was unanimously affirmed by the National Democratic Convention at Cincinnati, and now forms a fundamental article in the creed of the party as officially promulgated. This is all I have to say upon that point. The senator says he is in favor of popular sovereignty so far as to allow the people of each Territory to decide the slavery question for themselves when they form a constitution preparatory to their admission into the Union. I am glad to hear this avowal. I am sure it will astonish his political associates as much as it does his opponents. He complains that I should have intimated that he and his political friends were opposed to allowing the people to decide the question for themselves when they seek admission into the Union. I did suppose that the unanimous and determined opposition of the whole abolition party, including the senator himself, to the bill under consideration, justified such a declaration.

The whole object of the bill is to protect the people of Kansas in the undisturbed exercise of their right to form a constitution to suit themselves, and to come into the Union with slavery, or without it, as they shall determine in their constitution. If he and his party really believe in the doctrine which he now avows, he and they are bound to vote for the bill under discussion. Sir, if he is in favor of allowing each State to come into the Union with or without slavery, as it pleases, he belongs to a political party whose creed declares “no more slave States” in this Union under any circumstances. Your party is pledged never, “as long as the sun shall shine, or water shall run, or grass grow,” to admit another slave State into this Union, whether the people want slavery or not. Is not that the position of your party?

You run a candidate pledged to do an act which you deem it unfair and unjust for us to charge on yourselves. You belong to and co-operate with a party unanimously pledged to do an act which you

admit to be unconstitutional. Your party stands pledged, by every obligation which can bind men's honor, never to admit any more slave States, while you declare on the floor of the Senate that every new State has a right to come into the Union with or without slavery, as its own people shall determine for themselves. If you hold the sentiments which you now declare, you cannot and dare not vote for the Republican ticket, which is pledged against that very principle; nor could you be in favor of the restoration of the Missouri restriction, which prohibited slavery, not only while a Territory, but "forever," in the country over which it extended. So much for the views of the senator from New Hampshire on popular sovereignty!

But the senator says I have charged him with certain crimes, and he's grieved that I should have supposed he could be guilty of such grave offences. The charge consists in my having held him responsible for the natural consequences of every speech he has made in Congress during this session, if not for several years past. We were told yesterday, by the same senator, that it was but fair and legitimate to hold a senator responsible for the natural consequences of his own acts. Here is what he said:

"The senator from Illinois complains that it has been represented that there was an intention, a desire, a purpose, by the legislation of Congress, to make Kansas a slave State. Mr. President, I have been educated to believe in the wisdom of that maxim of the common law which says that a man intends the natural consequences of his act. It is not for a man to take a gun and fire into a crowd, and say he did not mean to hurt anybody. The law says he intended the natural consequences of his act."

Following that line of argument, the senator assumed the responsibility of charging me with the personal intention of creating a slave State in Kansas in direct contradiction to my own language on this floor. He had heard me deny that such was the intention of the bill, or of those who voted for it. He had heard me declare that the intention was to leave the people there free to form a slave State or a free State, as they should see proper; but in the teeth of my declaration, and in direct opposition to the terms of the bill, he took upon himself to charge me with an intent to do what he thought would be the result of the act. Now, when I, in turn, apply his own process of reasoning to him, and prove that if his reasoning be true he is guilty of every crime that has disgraced humanity in Kansas, he objects to the application of the rule. He is not willing to be held responsible for the natural consequences of his own action. He is not willing to be judged by the same rule which he professes to be fair when applied to others. Yet he must submit to the application of that rule to himself, or withdraw all he has said against us.

The senator from Maine, this morning, repeated the same declaration of his belief; so did the senator from Massachusetts. Do they expect that we will allow them to attribute designs to us in direct contradiction of our express language, and we refrain from holding them responsible before God and man for all the life that is taken, and the blood which is shed in pursuance of the line of policy they have worked out for the presidential campaign?

We show them that their intentions may be questioned, and mo-

impugned, as well as ours. This system of violating all the rules and usages of debate by impeaching senators' intentions, contrary to their declaration, they will find is not a pleasant business. I have never impugned a senator's motive except in self-defence, or just retaliation. In this sense I do say, without the least hesitation, that every crime committed in Kansas, every act of violence perpetrated in the Territory, has resulted naturally as the legitimate consequence of the speeches and action of the free-soil senators in this chamber. In your speeches you have told the people of Kansas that the legislature was an unlawful assemblage; that their enactments were not valid laws; that the people were under no obligation, moral or legal, to obey the local laws of the Territory; that the officers appointed to execute the laws had no rightful authority to do so; and that both officers and the laws might be resisted, even unto death, without incurring any responsibility or punishment.

That is the fair construction of every speech you have made. You have, by your speeches, advised bloody resistance to the law and its officers. You now complain that, in making that resistance, blood has been shed and life has been taken. If so, the blood has been shed and the life taken under your direct advice; it is the legitimate consequence of your own acts. Then, when I charge upon you as a party all the consequences of those bloody acts which have stained the history of Kansas, I only charge that which is and was the inevitable consequence of the speeches you have made and the course you have pursued.

Mr. FESSENDEN. Will the Senator state who has made any speech advising bloody resistance? I am not aware of any such. I have made no speech on the subject myself, and therefore the remark does not apply to me; but I have not heard any speeches of the kind.

Mr. DOUGLAS. Each one of the speeches which I have heard from your side of the Chamber has been calculated to encourage and excite resistance to the laws of the Territory.

Mr. FESSENDEN. That is your inference from the speeches.

Mr. DOUGLAS. Yes; and it must have been the inference, also, of every impartial man who has listened to the debates. Denunciations of the legislature of the Territory, and of its enactments, and of the officers of the law, together with eulogies upon the heroic people of Lawrence, and praises of the gallant free State party, have constituted the materials out of which nearly all of your speeches have been manufactured. The fact can neither be denied nor concealed, that the tendency of all such speeches was to stimulate and encourage rebellion against the laws, and resistance to the officers of the Territory. No crime has been perpetrated, no act of violence committed, which cannot find its justification in the speeches of senators. It is difficult to conceive for what purpose those speeches were made, unless it was to excite resistance to the laws of the Territory, and to convince the people of the United States that those laws ought to be successfully resisted. Thus you all counselled violence, and violence resulted from your counsels. It affords me no pleasure to speak in

of severity of senators; but it is time they learned that they cannot assault me, or question my motives, with impunity.

Mr. President, the senator from New Hampshire has spoken of that great landmark of freedom, the Missouri compromise, which was so sacred that the denunciations of the Bible would rest upon any man who had ever committed the profane act of assisting in its removal. While the senator was pouring forth his eloquent denunciations on the heads of those who have removed the landmark, I sent one of the pages to get me a copy of a speech made by that senator during the discussions of the Compromise measures of 1850. I have the speech before me, and I will read what he then said of the Missouri compromise, and see how far it sustains the sacred character which he now attributes to that measure:

"Mr. HALE. I wish to say a word as a reason why I shall vote against the amendment. I shall vote against 36° 30' because I think there is an implication in it. [Laughter.] I will vote for 37° or 36° either, just as it is convenient; but it is idle to shut our eyes to the fact that here is an attempt in this bill—I will not say it is the intention of the mover—to pledge this Senate and Congress to the imaginary line of 36° 30', because there are some historical recollections connected with it in regard to this controversy about slavery. I will content myself with saying, that I never will, by vote or speech, admit or submit to any thing that may bind the action of our legislation here to make the parallel of 36° 30' the boundary line between slave and free territory. And when I say that, I explain the reason why I go against the amendment."

When the question was presented for consideration whether 36° 30' should be maintained as the dividing line between freedom and slavery, as the senator calls it, he represented such a dividing line as the worst of all modes of settlement that could be devised. Then he told us with eloquent tongue, and in bold language, appealing to God for the sincerity of his vow, that never would he, by act or speech, recognize the propriety of the line of 36° 30'. Now, when he thinks he can make a point on a political opponent, he speaks of that great covenant of peace, 36° 30', and of the terrible condemnation threatened by Divine authority on men who remove the landmark, referring to 36° 30', as a sacred monument between freedom and slavery. I ask him now, if he does not tremble lest the judgment of that just God, whose vengeance he has implored on us, will rest upon himself, for having first derided that measure, which for partisan purposes he now calls sacred? It does not become the senator from New Hampshire to arraign me for having abrogated the line 36° 30'.

While speaking of the territorial laws, condemning many of them, and conceding abuses in the elections for members of the legislature, Mr. Stuart, of Michigan, presented the following views as to the binding effect of the statutes, to wit:

I hold the doctrine in respect to those laws to be this: laws enacted by a legislature elected according to the forms of law, and placed upon a statute book by courts and by executive officers throughout this whole country, are to be regarded as binding laws, and it is their duty to execute them. It has been decided by the highest tribunals in the States and the United States, that no court can go behind the law to see whether it was fairly passed or not, and no executive officer called on to execute the law can be permitted to determine for himself its validity. Then, when Senators on this floor have told the people of Kansas from this high place that they were justified in resisting those laws, they have told them what courts, acting in obedience to laws and constitutions, have determined to be criminal ever since civilization began. And yet they say they are not responsible! Men stand here in their places and say to the people of Kansas: "These laws have been forced on you by the people of Missouri; they are irregular; they are of no binding effect, and you are justified in their resistance;" and yet they "wash their hands of all the evils that exist in Kansas."

When it comes to a congressional question, in my judgment it is quite another affair. The authority of Congress put that Territory in a condition to be organized; and if Congress are satisfied that that organization has been irregular, fraudulent, and void,

they possess the power clearly and beyond dispute to right the evil and afford a remedy. But, sir, the President of the United States and every executive officer, the Supreme Court of the United States and every judicial officer, is bound to regard those laws while they stand, as the existing *bona fide* laws of the Territory, and they are to be obeyed.

In reference to the character of the bill and the objections made to it, the same gentleman presented the following cogent remarks:

It is presented, therefore, in the existing excited condition of the country, and in the lamentable condition of Kansas, as the only remedy that it is possible to pass. And how is it objected to? Every Senator who has spoken on the other side has acknowledged that upon its face it is a good bill, and that if it could be carried out according to its own terms and provisions, it would execute a good purpose—it would heal the difficulties in Kansas, and reduce things to order and harmony throughout the country. Now, I say to my honorable friends here—opponents as well as those who think with me—that whenever any man ventures opposition to a bill on the ground that it is to be dishonestly executed, it is an argument which subverts the foundation of all law. Human ingenuity cannot pass a law which is to be effective, if it is not to be honestly and completely executed. If you assume that the courts of the country, the President and the executive officers of the country, will not execute your laws, then you may abandon legislation upon this, and upon all other subjects. I go for this bill upon the belief and upon the expectation that, like all other laws, it will be honestly executed and carried out; and the surrounding circumstances of the country, so far from permitting me to leave them as they are, urge me to forgo the personal wishes which my friends know I had in respect to some amendments to that bill, and to give it my hearty and my full support.

Mr. Pugh concluded a very able discussion of the whole subject with the following cogent and convincing argument in favor of the Senate bill:

The Territory of Kansas is now convulsed by civil war. These Senators themselves proclaim the fact. They represent it as worse, much worse, than I have seen reason to believe. They tell us that the people—our fellow citizens—men, women, children—are in a condition of horrible distress. What remedies are proposed? None sir, that can be effectual, or satisfactory, except the bill to which the Senate has given its approval. Will those senators defeat the bill? Will their partisans in the other House reject it? I adjure you to consider the consequences. Do you desire peace in Kansas? Do you wish to have a fair election? Do you intend to allow those inhabitants their undoubted rights as American citizens? Then assist in the adoption of the Senate bill. There is nothing else. If you do not assist—if you defeat that bill—if you prolong the sorrowful condition of Kansas—if you stimulate this unnatural controversy to greater lengths—then, I tell you, the curse of every crime which may henceforth be committed there—the blood of every man who may be slain—the honor of every woman who may be violated—will rise up in judgment against you. I will not now make the charge—although as a retort, it would be justifiable—that you desire a continuance of this anarchy, public distress, and civil war, in order that you may influence the results of the presidential election. That, however, is a question for the country at large; and I shall endeavor, in my humble sphere, to make the country understand and appreciate it.

Here is the substantive proposition: That with all the safeguards suggested in either House of Congress, an election is to be held in Kansas—a State government formed—and peace happily restored. What is proposed on the other side? First, the senator from Illinois [Mr. Trumbull] wishes to abolish all the laws of the Territory at once, and thus legitimate the outrages, the bloodshed, the anarchy, which he pretends to deplore. Second, he and his political associates offer to subjugate the citizens of the Territory to a constitution which they never ratified, which was formed without authority of law—and which modestly declares itself unalterable, in any particular for nine years.

Let the people of the United States consider such an issue—ay, sir, let them decide it. This involves everything connected with our government, which is worthy of consideration. If passion, prejudice, fanaticism—aided by all the modern arts and adjuncts of falsehood—can so mislead the American people that they will not distinguish good from evil—will no longer respect the fundamental principles of their own government—will

rashly mutilate that sacred compact, THE FEDERAL CONSTITUTION, in which all the securities of our Union, our peace, our liberty, our happiness reside—it is of little consequence who may be the next President, and whether Congress should ever again assemble. The experiment of popular institutions will have utterly failed; for, without patriotism, intelligence, virtue, and self-command, a popular government must fall into confusion and despotism at last.

In any event, Mr. President, I can do nothing more. I have sacrificed every scruple, every minor consideration, to an ardent desire for peace. I have gone to the extremity of concession. I have agreed to whatever is honest and fair; and I am yet willing to vote for any amendment or scheme of that character which can be suggested. If the opposition will not meet us in this spirit—if the Senate pacification bill should be rejected by the House—I must discharge myself henceforth of all responsibility as a senator and a citizen. I shall have performed my duty to the uttermost; no blood will be upon my skirts, nor any reproach upon my conscience.

Judge Douglas, in his report of the 11th of August on the House bill for the reorganization of the Territory of Kansas, makes a number of telling points against the practical workings of the Topeka constitution, as adopted by the House of Representatives, which we deem proper to present in addition to those already given. They are substantially as follows, to wit:

First. It incorporates into Kansas a portion of the Cherokee country, which the United States has, by treaty, pledged the faith of the nation should never be incorporated into any State or Territory.

Second. It also incorporates into Kansas about 20,000 square miles of Mexico, establishes slavery therein until 1858, and prohibits it hereafter, in violation of the laws of the country, and of the compromise measures of 1850, which guaranteed said Territory should come into the Union with or without slavery, as the people should determine.

Third. It legalizes and establishes slavery in Kansas and over a portion of New Mexico until 1858, and provides that children heretofore born shall be slaves for life, and their posterity after them, providing they are removed into a slave State or Territory prior to 1858.

Fourth. It recognizes the validity of the existing laws in Kansas, and provides for the faithful execution of them, except punishing murder, robbery, larceny, and other crimes.

Fifth. It provides no guard against illegal voting, frauds in conducting the elections, or violence at the polls; but legalizes all such outrages, by declaring that the law under which they could be punished shall not be enforced.

The report recommends the passage of the bill, which has twice passed the Senate, declaring all the obnoxious laws null and void, and allowing the people to form a constitution.

## APPENDIX.

### SYNOPSIS OF THE SENATE BILL.

The first section of the bill provides for the appointment of five commissioners, to be appointed by the President and confirmed by the Senate, and prescribes the oath to be taken.

**SEC. 2.** *And be it further enacted,* That it shall be the duty of said commissioners, under such regulations as the Secretary of the Interior may prescribe, to cause to be made a full and faithful enumeration of the legal voters resident in each county in the said Territory on the fourth day of July, eighteen hundred and fifty-six, and make returns thereof during the month of August next, or as soon thereafter as practicable, one of which returns shall be made to the office of the Secretary of the Interior, and one to the Secretary of the Territory of Kansas, and which shall also exhibit the names of all such legal voters, classed in such manner as shall be prescribed by the regulations of the Secretary of the Interior.

**SEC. 3.** *And be it further enacted,* That it shall be the duty of the Secretary of the Interior, immediately after the passage of this act, to prescribe regulations and forms to be observed in making the enumeration aforesaid, and to furnish the same with all necessary printed blanks to each of the commissioners as soon as may be after their appointment; and the commissioners shall meet without delay at the seat of government in Kansas Territory, and proceed to the discharge of the duties herein imposed upon them, and appoint a secretary to the board, and such other persons as shall be necessary to aid and assist them in taking the enumeration herein provided for, who must also be duly sworn faithfully, impartially, and truly to discharge the duties assigned them by the commissioners.

Section 4th provides for the division of the State into fifty-two representative districts on the basis of the census.

**SEC. 5.** *And be it further enacted,* That the said board, immediately after the apportionment of the members of said convention, shall cause a sufficient number of copies thereof and of the returns of the census (specifying the name of each legal voter in each county or district) to be published and distributed among the inhabitants of the several counties, and shall transmit one copy of the said apportionment and census, duly authenticated by them, to each clerk of a court of record within the Territory, who shall file the same, and keep open to the inspection of every inhabitant who shall desire to examine it, and shall also cause other copies to be posted up in at least three of the most public places in each voting precinct, to the end that every inhabitant may inspect the same, and apply to the board to correct any error he may find therein, in the manner hereinafter provided.

**SEC. 6.** *And be it further enacted,* That said board shall remain in session each day, Sundays excepted, from the time of making said apportionment until the twentieth day of October next, at such places as shall be most convenient to the inhabitants of said Territory, and shall proceed to the inspection of said returns, and hear, correct, and finally determine according to the facts, without unreasonable delay, under proper regulations to be made by the board for the ascertainment of disputed facts concerning said enumeration, all questions concerning the omission of any person from said returns, or the improper insertion of any name on said returns, and any other questions affecting the integrity or fidelity of said returns, and for this purpose the said board and each member thereof shall have power to administer oaths and examine witnesses, and compel their attendance in such manner as said board shall deem necessary.

SEC. 7. *And be it further enacted*, That as soon as the said lists of legal voters shall thus have been revised and corrected, it shall be the duty of said board to cause copies thereof to be printed and distributed generally among the inhabitants of the proposed State, and one copy shall be deposited with the clerk of each court of record within the limits of the proposed State, and one copy delivered to each judge of the election, and at least three copies shall be posted up at each place of voting.

SEC. 8. *And be it further enacted*, That an election shall be held for members of a convention to form a constitution for the State of Kansas, according to the apportionment to be made aforesaid, on the first Tuesday after the first Monday in November, eighteen hundred and fifty-six, to be held at such places and to be conducted in such manner, both as to persons who shall superintend such election and the returns thereof as the board of commissioners shall appoint and direct, except in cases by this act otherwise provided; and of such election no person shall be permitted to vote unless his name shall appear on said corrected lists.

SEC. 9. *And be it further enacted*, That the board of commissioners shall have power, and it shall be their duty, to make all needful rules and regulations for the conduct of the said election and the returns thereof. They shall appoint three suitable persons to be judges of the election at each place of voting, and prescribe the mode of supplying vacancies. They shall cause copies of the rules and regulations, with a notice of the places of holding elections and the names of the judges, to be published and distributed in every election district or precinct ten days before the day of election, and shall transmit a copy thereof to the clerk of each court of record, and one copy to each judge of election.

SEC. 10. *And be it further enacted*, That the judges of election shall each, before entering on the discharge of his duties, make oath or affirmation that he will faithfully and impartially discharge the duties of judge of the election according to law, which oath may be administered by any officer authorized by law to administer oaths. The clerks of election shall be appointed by the judges, and shall take the like oath or affirmation, to be administered by one of the judges or by any of the officers aforesaid. Duplicate returns of election shall be made and certified by the judges and clerks, one of which shall be deposited in the office of the clerk of the tribunal transacting county business for the county in which the election is held, and the other shall be transmitted to the board of commissioners, whose duty it shall be to decide, under proper regulations to be made by themselves, who are entitled to certificates of election, and to issue such certificates accordingly, to the persons who, upon examination of the returns and of such proofs as shall be adduced in case of a contest, shall appear to have been duly elected in each county or district: *Provided*, In case of a tie or contest, in which it cannot be satisfactorily determined who was duly elected, said commissioners shall order a new election in like manner as is herein provided. Upon the completion of these duties the said commissioners shall return to Washington, and report their proceedings to the Secretary of the Interior, whereupon the said commission shall cease and determine.

SEC. 11. *And be it further enacted*, That every white male citizen of the United States over twenty-one years of age, who may be a *bona fide* inhabitant of said Territory on the fourth day of July, eighteen hundred and fifty-six, and who shall have resided three months next before said election in the county in which he offers to vote, and no other persons whatever shall be entitled to vote at said election, and any person qualified as a voter may be a delegate to said convention, and no others; and all persons who shall possess the other qualifications for voters under this act, and who shall have been *bona fide* inhabitants of said Territory at any time since its organization, and who shall have absented themselves therefrom in consequence of the disturbances therein, and who shall return before the first day of October next and become *bona fide* inhabitants of the Territory with the intent of making it their permanent home, and shall present satisfactory evidence of these facts to the board of commissioners, shall be entitled to vote at said election, and to have their names placed on said corrected list of voters for that purpose; and to avoid all conflict in the complete execution of this act, all other elections in said Territory are hereby postponed until such time as said convention shall appoint.

SEC. 12. *And be it further enacted*, That the said commissioners, and all persons appointed by them to assist in taking the census, shall have power to administer oaths and examine persons on oath in all cases where it shall be necessary to the full and faithful performance of their duties under this act; and the secretary shall keep a journal of the proceedings of said board, and transmit copies thereof from time to time to the Secretary of the Interior; and when said commissioners shall have completed the busi-

ness of their appointment, the books and papers of the board shall be deposited in the office of the Secretary of the Territory, and there kept as records of the office.

The 13th, 14th, and 15th sections impose severe penalties of fine and imprisonment for interrupting or abusing the right of suffrage.

Sec. 16. *And be it further enacted*, That the delegates thus elected shall assemble in convention at the capitol of said Territory on the first Monday in December next; and when so assembled, shall first determine by a majority of the whole number of members elected, whether it be or be not expedient at that time to form a constitution and State government, and if deemed expedient, shall proceed to form a constitution and State government, which shall be republican in its form, for admission into the Union on an equal footing with the original States in all respects whatever, by the name of the State of Kansas, with the following boundaries, to-wit: beginning on the western boundary of the State of Missouri, where the thirty-seventh parallel of north latitude crosses the same, then west on said parallel to the one hundred and third meridian of longitude, then north on said meridian to the fortieth parallel of latitude, then east on said parallel of latitude to the western boundary of the State of Missouri, then southward with said boundary to the beginning; and until the next congressional apportionment the said State shall have one representative in the House of Representatives of the United States.

Section 17th provides for compensation of commissioners.

Sec. 18. *And be it further enacted*, That inasmuch as the Constitution of the United States and the organic act of said Territory has secured to the inhabitants thereof certain inalienable rights, of which they cannot be deprived by any legislative enactment, therefore no religious test shall ever be required as a qualification to any office or public trust; no law shall be in force or enforced in said Territory respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and petition for the redress of grievances; the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized; nor shall the rights of the people to keep and bear arms be infringed. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process of obtaining witnesses in his favor, and to have the assistance of counsel for his defence. The privilege of *habeas corpus* shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. No law shall be made or have force or effect in said Territory which shall require a test oath or oath to support any act of Congress or other legislative act as a qualification for any civil office or public trust, or for any employment or profession, or to serve as a juror or vote at an election, or which shall impose any tax upon or condition to the exercise of the right of suffrage by any qualified voter, or which shall restrain or prohibit the free discussion of any law or subject of legislation in the said Territory, or the free expression of opinion thereon by the people of said Territory.

**THE FEARFUL ISSUE**  
**TO BE DECIDED IN NOVEMBER NEXT!**

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SHALL THE  
**C O N S T I T U T I O N**  
AND  
**THE UNION**  
**STAND OR FALL?**

**FREMONT,**  
THE SECTIONAL CANDIDATE  
OF THE  
**ADVOCATES OF DISSOLUTION!**

**BUCHANAN,**  
THE CANDIDATE OF THOSE WHO ADVOCATE  
**ONE COUNTRY! ONE UNION!**  
**ONE CONSTITUTION!**  
AND  
**ONE DESTINY!**

## FREMONT AND HIS FRIENDS!

### BEHOLD THE RECORD!

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WE propose showing by indubitable testimony that John C. Fremont's leading friends are now the open enemies of the Federal Constitution; the enemies of the Union; the enemies of one-half of the States of the Union; the enemies of the laws of Congress; and the enemies to equality of the States.

THE BOSTON LIBERATOR—Garrison's organ—has finally decided to support John C. Fremont, as may be seen from the following paragraph announcing his nomination, which we copy from that paper of the 20th of June, 1856, and from other testimony which we subjoin:

"PRESIDENTIAL NOMINATIONS.—At the Anti-Fillmore American Convention, held at New York last week, Hon. Nathaniel P. Banks, of Massachusetts, was nominated for the Presidency, and Gov. Johnston, of Pennsylvania, for the Vice-Presidency. *Of course, Mr. Banks will decline this nomination. A small squad seceded, met in another hall, and nominated Com. Stockton, of New Jersey, and Kenneth Raynor, of North Carolina, for the same offices—a mere farce.* On Wednesday last, the National Republican Convention, at Philadelphia, nominated, on the first ballot, as the Republican candidate for the Presidency, Hon. John C. Fremont, of California. THE ENTHUSIASM WAS BOUNDLESS."

Banks, it will be seen, has withdrawn according to order; and all the Abolition Know Nothings are out for Fremont.

The same number of the same paper, The Liberator, holds the following language:

"*The United States Constitution is a covenant with death, and an agreement with hell.*"—See Liberator, June 20, 1856.

And now, from the same paper, observe the fearful issue involved in this Presidential contest. THIS IS THE ISSUE MADE PUBLIC IN THE LIBERATOR SINCE FREMONT'S NOMINATION:

"BUT ONE ISSUE—THE DISSOLUTION OF THE UNION.—See what the desperate and infernal spirit of the South is, by turning to the 'Refuge of Oppression,' and by reading the intelligence from Kansas in subsequent columns, and then sign and circulate this petition.

*"To the Senate and House of Representatives of the United States:*

"The undersigned, citizens and inhabitants of                      State of  
respectfully submit to Congress:

"That as, in the nature of things, antagonistical principles, interests, pursuits, and institutions can never unite:

"That an experience of more than threescore years having demonstrated that there can be no real union between the North and the South, but, on the contrary, ever increasing alienation and strife, at the imminent hazard of civil war, in consequence of their conflicting views in relation to Freedom and Slavery:

"That the South, having declared it to be not only her right and purpose to eternise her slave system where it now exists, but to extend it over all the territories that now belong or may hereafter be annexed to the Republic, come what may; and having outlawed from her soil the entire free colored population of the North, made it perilous for any Northern white citizen to exercise his constitutional right of freedom of speech in that section of the country, and even in the national capital, and proclaimed her hostility to all free institutions universally:

"We, therefore, believe that the time has come for a new arrangement of elements so hostile, of interests so irreconcilable, of institutions so incongruous; and we earnestly request Congress, at its present session, to take such initiatory measures for the speedy, peaceful, and equitable dissolution of the existing Union as the exigencies of the case require—leaving the South to depend upon her own resources, and to take all the responsibility, in the maintenance of her slave system, and the North to organize an independent government in accordance with her own ideas of justice and the rights of man."—*Liberator*, June 20, 1856.

Since the above was written, the Boston Liberator, the infidel and disunion organ, through its editor, Garrison, comes out still more openly for Fremont.

In a speech delivered at the New England Anti-Slavery Convention on the 29th of May, 1856, by Wm. Lloyd Garrison, we have a flood of light shed on the relation between abolitionism and republicanism, which divests the subject of all doubt or uncertainty.

It would seem that some of the brothers or sisters in the Convention had spoken rather harshly of the Black Republicans, when Mr. Garrison rebuked them as follows:

"I come now to the Republican party; and while I do not forget its actual position under the Constitution and within the Union, I am constrained to differ in judgment from some of my respected friends here about the comparative merits of that party. I think that they do not always accord to it all that justice demands; that they overlook the necessary formation of such a party as the result of our moral agitation; and I marvel that they do not see that to quarrel with it, to the extent they are doing, is to quarrel with cause and effect—with the work of our own hands."

When Mr. Garrison broached the idea that the Black Republicans were the offspring of the Abolitionists, and for that reason that they ought to be treated tenderly, Sister Foster could not restrain the instincts of her nature, and she spoke out in the meeting as follows:

"Mrs. Foster.—I admit that the party is our own progeny; but, as every child needs a great deal of reproof and constant effort to bring it up in the way it should go, this party, which is the necessary offspring of our efforts, needs constant admonition and rebuke; and, God giving me strength, I will not spare it an hour until it is fully educated, reformed, and brought up to the high position of truth and duty. [Applause.]"

At this point Brother Foster came to the relief of his spouse, and brought Mr. Garrison to the confessional by a very pertinent interrogatory:

"Mr. Foster.—Do you believe they can succeed?"

The Black Republican progeny of Mr. Garrison and Mrs. Stowe will not thank their great father for the candor of his reply to this question, but it is not the less truthful for the reason that it is disagreeable to them.

"Mr. Garrison.—Certainly not! But that is not the question. They believe that they can. They laugh at my incredulity because I do not believe it. I think that, ere long, they will be satisfied that I am right, and that they have been deluded; in which case, I expect then to hear them cry, 'EXCELSIOR—COME UP HIGHER!' and to see many of them take their position under the banner of Disunion."

One more quotation from Mr. Garrison makes the record complete:

"I cannot, therefore, agree with such of our friends here as regard it as the worst or most dangerous party with which our movement has to contend. In its attitude toward the slave power, in the amount of conscience and humanity to be found in it, in its direct effort to baffle the designs of the slave oligarchy respecting the Territories of the country, it is a far better party than either of the others, and to that extent it is a sign of progress which we have no cause to lament. I have said again and again, that in

*proportion to the growth of disunionism will be the growth of republicanism or free-soilism. I think if you will examine the map of Massachusetts, for example, you will find this to hold true, with singular uniformity: that in those places where there are the most abolitionists who have disfranchised themselves for conscience and the slave's sake, the heaviest vote is thrown for the free-soil ticket. This is as inevitable as the law of gravitation. The greater includes the less. If we should begin our work over again, and try the same experiment ten thousand times over, we should have the same result in the formation of the same party. Why, then, should any one speak in a tone of despondency, or feel that our cause is in imminent danger of being wrecked? Is this to take a philosophical view of the subject? Such, then, is my judgment of the Republican party."*

The Liberator, of the last 4th of July, more boldly throws off the mask. Under the head of "The Great Fremont Meeting in New York," Garrison copies from the Herald and Tribune certain exaggerated extracts in favor of Fremont; and in his editorial column he thus pours out his feelings:

**"INDEPENDENCE DAY.**—This is the Eightieth Anniversary of American Independence. That Independence began in a spirit of compromise with the foul spirit of Slavery; it ends with every seventh person in the land a chattel slave,—the universal mastery of a slaveholding oligarchy,—the overthrow of all the constitutional rights of Northern citizens,—the reign of Lynch Law and Border Ruffianism throughout the entire South,—the subversion of the National Government by a clique of desperate and unprincipled demagogues, of which the President is a miserable and perjured tool,—the reign of violence, tyranny, and blood, on a frightful scale. *So much for disregarding the 'Higher Law' by our fathers! So much for entering into 'a covenant with death, and an agreement with hell!' Truly, God is just, and our national retribution another striking proof that, as a people sow, so shall they also reap.* **A NEW REVOLUTION HAS BEGUN,—ANOTHER SECESSION** is to take place,—and **FREEDOM FOR ALL** secured upon a sure basis. **'NO UNION WITH SLAVE-HOLDERS!'**"

**How Seward hopes to Change the Constitution and to Dissolve the Union, beginning with Fremont's Election to the Presidency.**

From Seward's speech at Albany, Oct. 12, 1855.

"Slavery is not, and never can be, perpetual. It will be overthrown either peacefully and lawfully under this Constitution or it will work the subversion of the Constitution together with its own overthrow. Then the slaveholders would perish in the struggle. The change can now be made without violence, and by the agency of the ballot-box. The temper of the nation is just, *liberal*, and forbearing. *It will contribute any money and endure any sacrifices to effect this great and important change; indeed, it is half made already.*"

William H. Seward was known at the Abolition Convention, at Philadelphia, first as a candidate, and afterwards as one of Fremont's warmest supporters. Indeed, it is well known that to Chase, Seward, and Greeley, Fremont is mainly indebted for his nomination: they defeated McLean. "When Henry Wilson mentioned the name of SEWARD, says the correspondent of the *Pittsburg (Pa.) Gazette*, *the whole Convention rose to its feet, gave the New York Senator three times three, and could not have been warmer in their applause if he had just been nominated for President by acclamation.*"

#### Seward's Agitation after the Adoption of the Compromise Measures.

It is alleged by the Abolitionists that the Nebraska issue reopened the slavery agitation. To show how this is, it is only necessary to say that in April of 1851, when the cry of repeal was raised against the fugitive slave law as the Shibboleth of the party opposing the democracy, the Abolitionists of Massachusetts called a convention to assist in this repeal, and invited Mr. Seward to attend. He replied in a letter, of which the following is an extract:

"AUBURN, April 5, 1851.

"DEAR SIR: Your letter inviting me to attend a convention of the people of Massachusetts opposed to the fugitive slave law, and to communicate in writing my opinion on that statute, if I should be unable to attend the convention, has been received.

"While offering the pressure of duties here too long deferred as an apology for non-attendance, I pray you to assure the committee in whose behalf you act of my profound sense of their courtesy and kindness. It would be an honor to be invited to address the people of Massachusetts on any subject, but it might well satisfy a generous ambition to be called upon to speak to that great and enlightened Commonwealth on a question of human rights and civil liberty.

"I confess, sir, that I have earnestly desired not to mingle in the popular discussions of the measures of the last Congress. The issue necessarily involves the claims of their advocates and adversaries in the public councils to the confidence of the country. Some of those advocates have entered the popular arena, criminating those from whom they had differed, while others have endeavored by extraordinary means either to control discussion or to suppress it altogether, and thus they have shown themselves disqualified, by prejudice or interest, for practising that impartiality and candor which the occasion demanded.

"I am unwilling even to seem to imply, by reiterating arguments already before the public, either any distrust of the position of those with whom I stood in Congress or impatience for that favorable popular verdict which I believe to be near, and know to be ultimately certain.

"Nevertheless, there can be no impropriety in my declaring, when thus

questioned, the opinions which will govern my vote upon any occasion when the fugitive slave law shall come up for review in the national legislature.

"I think the act signally unwise, because it is an attempt, by a purely federative government, to extend the economy of slave States throughout States which repudiate slavery as a moral, social, and political evil. Any despotic government would awaken sedition from its profoundest slumbers by such an attempt.

*"The attempt by the government has aroused constitutional resistance, which will not cease until the effort shall be relinquished. He who teaches another faith than this, whether self-deceived or not, misleads. I think, also, that the attempt was unnecessary; that political ends—merely political ends—and not real evils resulting from the escape of slaves, constituted the prevailing motives to the enactment."*

### Disunionism in the House of Representatives.

Nathaniel P. Banks, Abolitionist and Disunionist, was elected Speaker of the House *by a solid sectional vote: he did not get one vote from the South.* He made the example now being followed by Fremont. His sentiments may be understood from the following unanswered extract from his speech to a Disunion meeting in New England:

*"Although I am not one of that class of men who cry for the perpetuation of the Union, though I am willing in a certain state of circumstances to let it 'slide,' I have no fear for its perpetuation. But let me say, if the chief object of the people of this country be to maintain and propagate chattel property in man, in other words, human slavery, this Union cannot and ought not to stand."*

Mr. Banks is now actively leading the Abolition Know Nothings in support of Fremont.

But, before Banks was elected Speaker, Giddings had him instructed in the work of disunion. We copy from the Columbus (Ohio) State Journal, a Disunion paper. The following extract, taken from a Washington letter, dated the 5th of December, and appearing in the Journal, will throw considerable light upon the leading motives which instigated the opposition in the House of Representatives:

*"On the 1st inst., at a very full meeting of the members opposed to the extension of slavery, the following resolution, offered by that vigilant, tried, and stern old man, Mr. Giddings, was adopted without a dissenting voice:*

*"Resolved, That we will support no man for Speaker who is not pledged to carry out the parliamentary law by giving to each proposed measure ordered by the House to be committed a majority of such special committee, and to organize the standing committees of the House by placing on each a majority of the friends of freedom, and who are favorable to making reports on all petitions committed to them."*

Giddings, in a letter to the *Astoria (O.) Sentinel*, dated Washington, December 6, 1855 (a letter which he subsequently admitted to be his on the floor of the House), spoke of this abolition triumph in the following strains:

"This unanimity of feeling was so strongly exhibited that my own mind ran back to other scenes and other times, the history of which is familiar to my readers; but the recollection is, perhaps, more vividly impressed on my own mind than that of any other man living. I will not, however, trust my pen nor my language to express the emotions which I then experienced.

"Our friends now appeared to feel that we had found a common sentiment and a common principle on which we could rally. Hope seemed to cheer them, and a firmer purpose to unite appeared to pervade the minds of all present."

The sentiments of Giddings against the South are those of Garrison, Greeley, and Phillips. No man has exhibited such ferocious hostility to the fugitive slave law, to the compromise measures, and to the Federal Constitution. His speeches, full of treason and of war, would fill a volume. We give the following specimens:

"I look forward to the day when there shall be a *servile insurrection* in the South; when the black man, armed with *British bayonets*, and led on by *British officers*, shall assert his freedom, and wage a war of extermination against his master; when the torch of the incendiary shall light up the towns and cities of the South, and blot out the last vestige of slavery. And though I may not mock at their calamity, nor laugh when their hour cometh, yet I will hail it as the dawn of a political millennium."

The following extracts are taken from a letter addressed by the Hon. J. R. Giddings, of the House of Representatives, to an anti fugitive slave law meeting held at Palmyra, Ohio, in 1850:

"The fugitive slave law commands us to participate in arresting and sending victims to this Southern immolation by torture a thousand times more cruel than ordinary assassination. I would be as willing to handle the scourge—to sink the thong into his quivering flesh, and to tear from him the life which God has given him—as to seize him and hand him over to his tormentors, with the full knowledge and conviction that they will do it. Nor is the crime of the slave-catcher less in the sight of God and good men than is the guilt of him who consummates the outrage by this final sacrifice of the victim.

"Yet we are told we must obey this law, and perpetrate these crimes, until a slave-ridden Congress shall see fit to reclaim us from such sin against God by repealing the law. 'Whether it be right to obey God rather than man, judge ye.'

"From my innermost soul, I abhor, detest, and repudiate this law." I

despise the human being who would obey it, if such a being has existence. I should regard such a man as a moral nuisance, contaminating the air of freedom, and would kick him from my door should he attempt to enter my dwelling.

"The authors of this law may take from me my substance, may imprison me, or take my life; but they have not the power to degrade me, by compelling me to commit such transcendent crimes against my fellow-man and against God's law.

"I rejoice exceedingly that the people of the free States comprehend and appreciate this insult to every freeman at the North. Public feeling is aroused; popular indignation is speaking trumpet-tongued to those servants of the people who dared thus degrade the American character by constituting us the catchpoles of Southern slave-hunters."

Giddings was the most prominent leader for Fremont in the Black Republican Convention of the 17th of June. See the testimony of the *National Era*, page 12.

Banks, having been instructed by Giddings, was elected. And how did he constitute the Committees of the House? BY SECTIONALIZING THE HOUSE! *Every leading committee has an Abolition Disunionist for chairman, and a Disunion majority!* There are some thirty-five committees in the House, and but one Southern Democrat was appointed chairman of a committee of the least consequence, Gen. Quitman, of Mississippi. Giddings, Grow, Campbell, of Ohio, Washburn, of Maine, Mace, Bennett, of New York, Benson, Simmons, of New York, Morgan, of New York, &c., &c., all Black Republicans, monopolized all the great committees. *Thus was the work of Disunion formally begun in the Congress of the United States!* This monstrous act, unprecedented in all our history, was the deliberate work of the men who now surround Fremont. Will he hesitate to carry out the baleful project, if elected? Will those who rule him be less bold than they are in Congress, when they lay hands on the Government and the Constitution? It would be madness to doubt them.

### Fremont's Friends in Ohio.

The Abolitionist Convention, which nominated Salmon P. Chase, for Governor of Ohio, adopted the following resolutions. All these fanatics now for Fremont:

"Resolved, That we cannot respect, nor can we confide, in those 'Lower Law' doctors of Divinity, who hold human laws above the laws of God; nor can we concur in their teachings, that the Divine law is subject to Congressional Compromise."—Chase Convention, Ravenna.

"Resolved, That we hereby give it distinctly to be understood, by this

nation and the world, that, as Abolitionists, considering that the strength of our cause lies in its righteousness, and our hopes for it in our conformity to the laws of God, and our support for the rights of man, we owe to the *Sovereign Ruler of the Universe*, as a proof of our allegiance to Him, in all our civil relations and offices, whether as friends, citizens, or as public functionaries, sworn to support the Constitution of the United States, to regard and treat the third clause of the instrument, whenever applied in the case of a fugitive slave, as utterly null and void, and consequently as forming no part of the Constitution of the United States, whenever we are called upon or sworn to support it."—*Chase Convention*.

SALMON P. CHASE was at the Abolition Convention, at Philadelphia, on the 17th of June, by letter and originally as a candidate—afterwards a zealous supporter of Fremont for nomination. *He is an original old line Abolitionist, in favor of negro suffrage and negro equality; opposed to the Constitutional provisions for the rendition of fugitive slaves; in favor of excluding all slaveholders from office; believes that slavery in the States would not continue a year after the accession of the Anti-slavery party to power; and thinks that it ought to be abolished by the Constitutional power of Congress, and the State Legislatures.*

So BENJAMIN F. WADE, now a U. S. Senator from Ohio, is a supporter of Fremont, and a leader of the party. Hear him:

"He thought there was but one issue before the people, and that was the question of American slavery. *He said the Whig party is not only dead, but stinks.* It shows signs occasionally of convulsive spasms, as is sometimes exhibited in the dead snake's tail after the head and body have been buried.

"*There is really no union now between the North and the South, and he believed no two nations upon the earth entertained feelings of more bitter rancor towards each other, than these two nations of the Republic. The only salvation of the Union, therefore, was to be found in divesting it entirely from all taint of slavery.*"

RUFUS P. SPAULDING was a member and leader of the Convention. Hear him:

"In the case of the alternative being presented of the continuance of slavery or a dissolution of the Union, I am for dissolution, and I care not how quick it comes."

HORACE MANN, formerly of Massachusetts, and now of Ohio, is the supporter of Fremont. Hear him:

"In conclusion I have only to add that such is my solemn and abiding conviction of the character of slavery, that, under a full sense of my re-

responsibility to my country and my God, I deliberately say, *better disunion—better a civil or a servile war—better anything that God in his providence shall send—than an extension of the bounds of slavery.*"

### **What killed off Judge McLean at Philadelphia.**

The public have long known Judge McLean as a man of learning and ability and firmness of character. When consulted by the "Republicans" on the subject of being a candidate for the Presidency, he made this distinct avowal:

"But my mind has been made up, if elected, I would reform the government and rest the executive power on the great principles of the Constitution, or fall in the attempt. On no other condition could I accept the office of President. This involves no sectionalism, except that which arises from the independence of State government and the fundamental law of the Union."

As the Philadelphia Convention was based on Sectionalism, its hopes of carrying the election resting almost wholly upon that ground, this repudiation by the Judge darkened his prospects. When he added that he would seek reform, instead of opening the treasury and means of the government to be plundered, his chance for a nomination became hopeless, and his name was withdrawn, and one believed to be more yielding and pliant on both points was promptly nominated. Sectionalism for a basis, and plunder for an object, were never more markedly displayed. Both are strikingly manifested in the selection of Fremont and Dayton.

### **Giddings in the Disunion Convention.**

JOSHUA R. GIDDINGS was at this Convention, a leading spirit in all its acts, reeking as he is with the stench of twenty years of Abolitionism. What he did in that Convention, the National Executive Disunion organ at Washington will say. We copy from the Era of the 26th of June, 1856:

"Thank God! the movement has escaped this danger; the counsels of temporizing men have failed; to the bold, clear-sighted Joshua R. Giddings, sustained by the good sense of the Convention, are we indebted for the preservation of the Great Movement against the Slave Power, free from all entangling alliances."

### **The Friends of Fremont in Illinois.**

The Abolition Know Nothings of Illinois, now all for Fremont, adopted the following resolutions, July 11, 1855. Their action since then is even more revolutionary.

"That the time has arrived when the American party of the United States are called upon to take open, fearless, and unreserved ground upon the great question of Slavery, that is now agitating the people of every section of this Union; and that the intense excitement and agitation which at the present time are distracting our country upon the subject of Slavery have been caused by the repeal of the Missouri Compromise; and that that repeal was uncalled for, a gross violation and disregard of a sacred compact, entered into between the two great sections of this confederacy, and in the highest degree destructive to the peace and welfare of this Union. That a restoration of the Missouri Compromise, as it will restore the territory for which it was originally made to the same situation in which it was before that line was unnecessarily destroyed, so it will restore peace and harmony to the country, without injury or injustice to any portion of the Union; that while it will only give to freedom that which with due solemnity and in good faith was long since conveyed to her under the contract, it will equally preserve the full and undisputed rights acquired under it by the South, and that therefore the Missouri Compromise should be restored, and that in all political national contests the American party in the State of Illinois will demand of its candidates for office, among other qualifications, their open and undisguised opinions upon this subject.

"The essential modification of the naturalization laws by extending the time of residence required of those of foreign birth to entitle them to citizenship. A total repeal of all state laws allowing any but citizens of the United States the right of suffrage. But a careful avoidance of all interference with rights of citizenship already acquired under existing laws.

"Resistance to the corrupting influences and aggressive policy of the Romish Church, unswerving opposition to all foreign influence, or interference of foreign emissaries, whether civil or ecclesiastical."

To this we may add the fact that every Black Republican in Congress from Illinois is for Fremont.

### **Fremont's Friends in New Hampshire.**

Gov. Colby, Hale, Tuck, and all the Disunionists in New Hampshire, are under the Fremont flag. The following resolution passed the last Fremont Abolition Legislature of New Hampshire:

*"Resolved, That the people of New Hampshire demand as a right the restoration of said Compromise, and the amendment of the Kansas and Nebraska bill, so called, so as to exclude Slavery from said Territories, and will never consent to the admission into the Union of any State out of said Territory with a Constitution tolerating Slavery."*

JOHN P. HALE, of New Hampshire, a delegate to the Black Republican Fremont Convention of the 17th of June, 1856, addressed that Convention, and said:

"Mr. Hale congratulated the Convention upon the spirit of unanimity with which it had done its work. *I believe*, said he,

*that this is not so much a Convention to change the Administration of the Government, but to say whether there shall be any government to be administered. You have assembled, not to say whether this Union shall be preserved, but to say whether it shall be a blessing or a scorn and hissing among the nations. Some men pretend to be astonished and surprised at the events which are occurring around us; but I am not more surprised than I shall be this autumn to see the fruits following the buds and the blossoms."*

#### Fremont's Know Nothing Friends in Massachusetts.

In Massachusetts the Abolition column is a unit for Fremont, and this includes not only Wilson and Sumner, not only Garrison and Wendell Phillips, but, also, the Rockwell and Boston Atlas party.

#### Senator Wilson and Disunion.

In October, of 1855, Senator WILSON, of Massachusetts, made a speech at the Tabernacle, in New York, in which he said:

"Every generous impulse of the human heart is with us—every affection of the human conscience is with us; the great hopes of the human race are all with us, and we shall triumph in the end; we shall overthrow the slave power of the republic; we shall enthrone freedom; shall abolish slavery in the Territories; we shall sever the national government from all responsibility for slavery, and all connection with it; and then, gentlemen, then, when we have put the nation, in the words of Mr. Van Buren, openly, actually, and perpetually on the side of freedom, we shall have glorious allies in the South. We shall have men like Cassius M. Clay. [Loud applause.] We shall have generous, brave, gallant men rise upon the South, who will, in their own time, in their own way, for the interest of the master and bondsman, lay the foundations of a policy of emancipation that shall give freedom to three and a half millions of men in America. [Enthusiastic applause.] I say, gentlemen, these are our objects, and these are our purposes.

"We shall change the Supreme Court of the United States, and place men in that Court who believe with its pure and immaculate Chief Justice, John Jay, that our prayers will be impious to Heaven, while we sustain and support human slavery. We shall free the Supreme Court of the United States from Judge Kane. [Loud applause.] And here let me say there is a public sentiment growing up in this country that regards Passmore Williamson in his prison—[tremendous applause]—in his prison in Philadelphia, as a martyr to the holy cause of personal liberty. [Great applause.] There is a public sentiment springing up, that will brand upon the brow of Judge Kane a mark that will make him exclaim, as his namesake, the elder Cain, 'It is too great for me to bear.' [Loud applause.]"

Hear Henry Wilson, Senator, in the Philadelphia Know Nothing Convention, June 12, 1855:

"I am in favor of relieving the Federal Government from all connection with, and responsibility for, the existence of slavery. To effect this object I am in favor of the abolition of slavery in the District of Columbia, and the prohibition of slavery in all the Territories."

Garrison, Sumner, Banks, Rockwell, and Wilson.

We have already shown that Garrison has resolved to support Fremont; and it is known that Sumner, Banks, Rockwell, and Wilson, do so most heartily. The following exhibits the harmony of feeling between them:

"No union with slaveholders. Up with the flag of Disunion, that we may have a free and glorious Union of our own, &c."—*William L. Garrison.*

"Mark! How stands Massachusetts at this hour in reference to the Union? Just where she ought to be—in an attitude of open hostility."—*The Liberator, Garrison's paper.*

"A northern confederacy, with no union with slaveholders. To this all is fast tending, and to this all must soon come. The longer it is delayed, the worse for the country, and for the cause of freedom. To this end all who love liberty will labor.

"Justice and liberty, God and man, demand the dissolution of this slaveholding Union, and the formation of a NORTHERN CONFEDERACY, in which slaveholders shall stand before the law as felons, and be treated as pirates are treated. God and humanity demand a ballot-box in which the slaveholders shall never cast a ballot. *In this, what State so prepared to lead as the old Bay State? She has already made it a penal offence to help execute a law of the Union. I want to see the officers of the State brought into collision with those of the Union.*"—*Liberator, Sept. 1855.*

This much for Garrison. He leaves no room for doubt as to what he means. He means dissolution, and nothing else. Let us see how these declarations harmonize with some others:

"The good citizen, as he reads the requirements of this act (the fugitive slave) is filled with horror. \* \* \* Here the path of duty is clear. *I am bound to disobey this act.* \* \* \*

"Sir, I will not dishonor this home of the Pilgrims and of the Revolution by admitting,—nay, I cannot believe—that this bill will be executed here."—*Charles Sumner, Oct. 1850, in Boston, and Aug. 26, 1852, in U. S. Senate.*

"Let us remember that more than three millions of bondmen, groaning under nameless woes, demand that we shall cease to reprove each other, and that we labor for their deliverance. \* \* \*

"I tell you here to-night, that the agitation of this question of human

Preserving the Union, while the free States of the American Republic.—*Henry Wilson, United States Senator.*

"I am not one of that class of men who cry for the preservation of the Union, though I am willing, in a critical state of circumstances, to let it slide."—*Charles F. Johnson, Representative to Congress.*

"I will not stop to inquire whether or not the act is constitutional. If it is not it ought to be. I view the act as the faithful expression of the moral sentiment of the people of Massachusetts."—*Mayor Chapin, of Worcester.*

"The object to be accomplished in this: That the free States shall take possession of the Government by their united action. Minor interests and old party affiliations and prejudices must be forgotten. We have the power in number; our strength is in union."—*Simon Deane, Massachusetts Free Soil Candidate for Lieutenant Governor.*

"Recognizing, therefore, the paramount issue, I regard, as the only practical means of sustaining our position upon that issue, our co-operation with the masses of our friends in other States in the formation of the Republican party of the Union."—*Julius Rockwell, Massachusetts Free Soil Candidate for Governor.*

Hear James Watson Webb, another Fremont leader. (*We copy from Webb's New York Courier & Enquirer*)—

"We love (quoted) the Whig party, but we love its principles more. We dislike Abolitionism, but we would rather a thousand times vote for Garrison and Tappan as President and Vice President than tamely submit for an hour to the humiliation which the Senate has put upon us by the repeal of the Missouri Compromise.

"We are willing (quoted again) to consort with the most rabid Abolitionists in order to restore the Missouri Compromise, and thus redress a great wrong."

To which Garrison, in his Boston Liberator, thus affectionately responds:

"THE DISSOLUTION OF THE UNION ESSENTIAL TO THE ABOLITION OF SLAVERY.—But until we cease to strike hands religiously, politically, and commercially with the South, and declare the Union to be at an end, I believe we can do nothing even against the encroachments of the slave power upon our rights. When will the people of the North see that it is not possible for liberty and slavery to co-exist, or for a true union to be formed between freemen and slaveholders? Between those who oppress and the oppressed, no concord is possible. This Union—it is a lie, an imposture, and our first business is to seek its utter overthrow. In this Union there are three millions and a half of slaves cloaking their chains in hopeless bondage. Let the Union be accused! Look at the awful compromises of the constitution by which that instrument is saturated with the blood of the slave!"

General Webb's candidate for President has erected his platform!

## Fremont's Friends in Massachusetts nullifying the Federal Constitution.

The celebrated Personal Liberty law, passed by the friends of Fremont in the Massachusetts Legislature, nullifying the fugitive slave law, a law based upon that provision of the Federal Constitution without which no Constitution could have been framed and adopted—is as follows:

"By the 10th section it is provided that 'any person who shall grant a certificate under the act of 1851 shall be deprived of any office he may hold under the Commonwealth, and shall be forever thereafter ineligible to any office of trust, honor, or emolument under the law of the Commonwealth.'

"Obedience to the laws of Congress is thus made a cause why a citizen should be deprived of all public confidence and offices of trust; in other words, rewards are held out for disobedience, while punishment is dealt out for fealty to the Constitution.

"The eleventh section declares that 'any person who shall act as counsel or attorney for any claimant under said act shall be deprived of any commission he may then hold under the laws of the Commonwealth, and shall be thereafter incapacitated to appear as counsel or attorney in the courts of the Commonwealth.'

"Any attorney who shall presume to pursue his chosen profession, and act as counsel in the United States Courts, to aid in the investigation of the rights of parties, and to give effect to the Constitution he was sworn to support when he became a member of the Massachusetts bar, and without which act he could not practise in said courts, is to be expelled from that same bar for doing what he was required to swear he would do when admitted.

"The 16th section forbids any member of the volunteer militia from aiding in the enforcement of the fugitive slave law, and provides that 'any member of the same who shall offend against the provisions of this section shall be punished by fine of not less than one thousand and not exceeding two thousand dollars, and by imprisonment in the State prison not less than one year and not more than two years.'

"Imprisonment 'not less than one year nor more than two years' is the moderate penalty attached to the criminal offence of aiding in the execution of the laws of the land. What language of nullification can be plainer? Well did Garrison assert that Massachusetts stands 'in an attitude of open hostility to the Union!'

## Now hear Josiah Quincy of Boston.

JOSIAH QUINCEY is the venerable head of a large class of men in Boston, who are constantly at work against the Union. During the late war with England he began his crusade against the Union, and surpassed its worst adversaries. He assailed Mr. Jefferson for his purchase of Louisiana, in 1803, because this was intended, in his opinion, to extend the area of Slavery. Though past eighty-five, he is still

the enemy of the Democracy. *He is now in the field for Fremont.* What his views now are, may be seen from the following extract from his speech, at Boston, on the 18th of August, 1854.

"The Nebraska fraud is not that burden on which I intend now to speak. There is one nearer home, more immediately present and more insupportable. Of what that burden is, I shall speak plainly. The obligation incumbent upon the free States to deliver up fugitive slaves is that burden—and *it must be obliterated from that Constitution, at every hazard.*

"And such an obliteration can be demonstrated to be as much the interest of the South as it is of the North."

This man knows that we should have no Union or Constitution, but for this very provision!

Josiah Quincy is still in the land of the living; and though approaching his ninetieth year, is still as hostile to the Union as he was fifty-three years ago, while Jefferson was President, or at a later period, when Jackson was chief magistrate.

### Fremont's Friends in New York.

Gen. JAMES WATSON WEBB was a delegate to the Black Republican Convention, at Philadelphia, and favored that body with his sage counsels. He delivered a speech, which is reported for the New York Times, and from which we make the following extract, and ask for it a careful perusal:

"Why, I ask, are we here? We are here because the country is in danger. We are here because a solemn compact, by which the curse of Slavery was limited forever to latitude 30 deg. 30 min. has been violently disrupted, torn asunder, and the people of the North told 'you shall have this matter forced upon you.' Now, what are the people doing? Our people, loving order and loving law, and willing to abide by the ballot-box, come together from all parts of the Union and ask us to give them a nomination which, when fairly put before the people, will unite public sentiment, and, through the ballot-box, will restrain and repel this pro-slavery extension, and this aggression of the slaveocracy. What else are they doing? They tell you that they are willing to abide by the ballot-box, and willing to make that the last appeal. *If we fail there, what then? We will drive it back, sword in hand, and, so help me God! believing that to be right, I am with them.* [Loud cheers, and cries of 'Good!'] Now, then, gentlemen, on your action depends the result. You may, with God's blessing, present to this country a name rallying around it all the elements of the opposition, and we will thus become so strong that through the ballot-box we shall save the country. *But, if a name be presented on which we may not rally, and the consequence is civil war—yes, nothing more, nothing less, but civil war—I ask, then, what is our first duty?*"

In another part of this pamphlet Mr. Seward's opinion may be found.

Horace Greeley was one of the most active advocates of Fremont, and now advocates him on the Disunion grounds.

James Gordon Bennett has also been hired to advocate Fremont, though on the 4th of April, 1856, he spoke of him in the following insulting terms:

"COL. FREMONT BROUGHT OUT.—The 'Cleveland Herald' (NIGGER WORSHIPPER), has hoisted the flag of Col. John C. Fremont, as the proper Presidential candidate of the Anti-slavery Holy Alliance. In the course of a lengthy glorification over him, this Cleveland organ says:

"'Col. Fremont, we feel authorized to say, does not acquiesce in the Kansas-Nebraska Act; in submission to the wrong perpetrated in violating the compact; in the atrocious iniquity of defeating the law thus substituted by force, when it was discovered that it would not subserve the purposes of the enemies of freedom; and the crime of the Government in upholding that usurpation, the most tyrannical in its laws of any since Draco's. When the proper occasion comes for an avowal of his principles and purposes on the leading questions of the day, we are assured, he will express them without reserve.'

"It thus appears, that our Cleveland abolition cotemporary speaks by authority. Fremont has caught the White House fever. He is in the hands of his friends. He is rich, exceedingly, and said to be liberal. Does Seward give way, to save expenses, this time? It looks very much as if Fremont were to be victimized to get the party organized. Let him consult Live Oak George."

**The Avowed Abolitionist and Disunionist, H. Ward Beecher, of New York, on Fremont.**

The reverend agitator, Ward Beecher, is out for Fremont, in the last number of his "Independent." He is, probably, next to Garrison and Phillips, the most profligate calumniator of the Constitution and the Union. Now for the opinions of this new captain of the Fremont forces:

On the 16th of January, 1855, Beecher said, in a lecture in New York, on the subject of cutting the North from the South:

"All attempts at evasion, at adjourning, at concealing and compromising, are in vain. The reason of our long agitation is, not that restless Abolitionists are abroad, that ministers will meddle with improper themes, that parties are disregardful of their country's interest. These are symptoms only, not the disease; the effects, not the causes.

"Two great powers that will not live together are in our midst, and tugging at each other's throats. They will search each other out, though you separate them a hundred times. And if by an insane blindness you shall contrive to put off the issue, and send this unsettled dispute down to your children, it will go down, gathering volume and strength at every step, to waste and isolate their heritage. Let it be settled now. Clear the place.

Bring in the champions. Let them put their lances in rest for the charge. Sound the trumpet, and *God save the right!*"

### Rifles before Bibles.

At a public meeting held in his church to promote emigration to Kansas, the Rev. Henry Ward Beecher made the following remarks, as we find them in the report of the *New York Evening Post*:

"He believed that the Sharp rifle was truly *moral* agency, and there was more moral power in one of those instruments, so far as the slaveholders of Kansas were concerned, than in a hundred Bibles. You might just as well, said he, read the Bible to buffaloes as to those fellows who follow Atchison and Stringfellow; but they have a supreme respect for the logic that is embodied in Sharp's rifles. The Bible is addressed to the conscience; but when you address it to them it has no effect—there is no conscience there. Though he was a peace man, he had the greatest regard for Sharp's rifles, and for that pluck that induced those New England men to use them. In such issues, under such circumstances, he was decidedly in favor of such instrumentalities. General Scott had said it was difficult to get the New England men into a quarrel, but when they are waked up and have the law on their side, they are the ugliest customers in the world."

The *New York Observer*, a religious paper, of vast influence, copying the above, adds:

"We remember the time when, in the same church, the same minister of the Gospel of Christ presented a cannon-ball to a political agitator as the argument to which it was best to resort. That act, as inconsistent as it then appeared, and still appears to us, was innocent compared with the intemperate, not to say sacrilegious language of the extract made above."

WHAT A COMBINATION! Seward, Greeley, Bennet, Watson Webb, H. Ward Beecher, &c. There can be no doubt that this goodly company will speedily be increased by the addition of Fred. Douglass and his *black* republicans.

Every Black Republican in Congress, from New York, is now the earnest advocate of Fremont.

### Another Disunion Witness for Fremont.

From the *New York National Anti-Slavery Standard*, June 21, 1856.

"THE ABOLITIONISTS AS PROPHETS—Whoever has been an attentive reader of Anti-Slavery literature and journalism for the last fifteen or twenty years, cannot but have been struck with the spirit of prophecy that runs

through it all. To be sure, the Abolitionists may be said to belong to that large class of prophets who help to bring about the accomplishment of their own predictions. But it is a proof that they have known what they wanted, and also how best to bring it about. They have had a clear vision from the beginning of the way in which they were to walk, and of the work which they had to do. They acted on certain fixed principles, basing their measures on the nature of things and the nature of man; and, as their principles were eternally right, and their views of man and his ways founded on reason and experience, and as their speculations and their practice had no taint of selfishness in them, it was almost inevitable that they should see clearly and act sagaciously. Only, they have not seen half that was to come to pass, and the times were hidden from them, so that they are astonished at the haste with which the procession of events hurries past, in spite of the second sight which discerned their coming shadows in the distant future.

"Among the many predictions which they have uttered, or rather the many statements they have made, as to what must come to pass, the one which five or six years ago, seemed the wildest, *was the necessary division of the nation into two parts—the Northern and the Southern—of which the principles should be Slavery and Anti-Slavery.* Five years ago, what seemed more unlikely than that the nation should be divided into strictly sectional parties as it is now? The Whigs were running up their bids for slaveholding support with a desperation which showed that they had abandoned any other hope of success. Daniel Webster had abandoned all hope of a North, and had flung himself and all he had at the feet of the Slave-masters, as his last and only chance for the eminence he sighed for. They spurned him away, to be sure, and sent him broken-hearted into his grave; but they appointed both the candidates and elected the one they loved the best.

"The idea of a Northern party, of a party which should not extend its ramifications into the Southern States, was regarded as something worse than a chimera, as a positive imagining of the death of the Republic, as a positive misprision of treason. What a change has come over the dreams of the people since then! The Whig party, five years ago in power, and with a reasonable prospect of maintaining it, now dispersed, is demolished and ground to powder. Their very name has vanished from the face of the earth—or exists only as a mockery and a laughing-stock. The Abolitionists foresaw that this must come to pass; but they did not dream of its accomplishing itself so soon." "That the National parties should sooner or later divide on the only real matter of dispute existing in the country, was inevitable."

"But the lines are now drawn and the hosts are encamped over against each other. The attempt to keep up a delusive alliance with natural enemies has been abandoned.

"The Abolitionists have been telling these things in the ears of the people for a quarter of a century. They have had a double part in what has come to pass, both by preparing the minds of the people of the North, and *by compelling the people of the South to the very atrocities which have startled the North into attention.* Nothing but the madness which ushers in destruction and the pride which goeth before a fall, on the part of the slaveholders, could have roused the sluggish North from its comfortable dreams of wealth, and made it put itself even into a posture of resistance."

"The North is in a state of excitement, temporary perhaps, but real for the time, and the widening lines of division between the North and South are growing deep and distinct.

"It is long since this paper took the ground that the *first thing, though by no means the only thing, needful was the formation of Sectional parties—of parties distinctly Northern and Southern, and, of necessity, Slavery and Anti-Slavery.* We rejoice that our eyes behold the day of that beginning of the end. Not that we have any very exalted hopes from the success of the Republican party, even if we considered its success a very likely thing. All that it proposes to itself is to keep Slavery out of Kansas, provided the actual settlers there do not want to have it in. This is a very small platform for a great party to stand upon, it must be owned; and in rejoicing to see it, we certainly are grateful for very moderate mercies. But it is not the platform that is significant—it is not the point nominally at issue that is the material thing. *The position is everything.* It is the attitude that is expressive and encouraging. *It is the entire separation of the party from all Southern alliance, and from all possibility of Slaveholding help, that gives it its encouraging aspect and makes it with all its shortcomings, a thing to thank God for.*

"We need hardly say that we do not look upon this new party as one that should supersede the Anti-Slavery Movement. *It has sprung from that movement, and whatever of strength and hope it has lies in the Anti-Slavery feeling of the Northern mind.* It is vain that servile men-pleasers seek to separate this effect from its Anti-Slavery origin. *The Slaveholders stamp it with its real character, and DESCRIBE IT BETTER THAN IT LIKES TO DO ITSELF.* It is true that the differing sagacities of the Slaveholders and the Abolitionists both discern that this must be the ultimate result."

### The Disunion Organ at the seat of the National Government out for Fremont.

From the Washington National Era, of June 26, 1856.

"Having thus given an exposition of the action of the Convention, and defined our position, we shall henceforth do all that may lie in our power to bring about a perfect union of the friends of Freedom at home and of good faith and peace in our foreign relations, against the Cincinnati nominations, pledged as they are by the platform which accompanies them, and the majority who framed both, to Slavery at home and filibustering abroad. Like many others, we may have been vexed, disappointed, sometimes mortified, at the injudicious and unfair measures of men who ought to have known better; but, we place our great movement above men: it is the only movement which aims or is calculated to save Kansas, and put an end to the despotism which repealed the Missouri Compromise, and is perpetually seeking to subjugate the country to Slavery: its platform is clear, sound, and comprehensive: its nominations must represent it: by sustaining them, we sustain it: opposition to them will only tend to perpetuate the spirit and policy of an Administration which has brought the country to the verge of civil and foreign war. Will not patriotic men, whatever may have been their preferences, hesitate long before assuming such a responsibility as that?"

From the same paper of July 3, 1856.

"The Philadelphia Convention has defined the issues of the campaign, framed the platform, made the nominations, and respectfully called upon the People of the United States, without distinction of party, to sustain them. We shall be very happy to see North Americans and South Americans and all sorts of Americans rallying to the standard of Fremont, and uniting to put down the Slave Power, but let us have no talk of special arrangements with any particular class or party."

### Fremont's Friends in Pennsylvania.

We aver that there is not an Abolitionist or Disunionist in Pennsylvania who is not an active and open friend of John C. Fremont for the Presidency. David Wilmot and William F. Johnston lead the motley crew, both recreants from the Democratic party, because the Democratic party respected the Constitution of the United States, and would not desert its injunctions. Ever since their recreancy, they have been busied in doing all within their power to destroy the efficiency of the Democracy, and to assist the worst fanatics of the day. Conservative men will not forget that Johnston, when the Legislature of Pennsylvania passed a law for the purpose of assisting the officers of the General Government to execute the fugitive slave law, put the bill in his pocket, while Governor of the State, and retained it, thus defeating the object of the majority of the Legislature. Wilmot has proceeded from bad to worse. At first, he was only in favor of the Wilmot proviso, and continued to profess to be a Democrat for some time. Now he is the companion and friend of men, whom, ten years ago, he would have regarded it as a personal insult to be associated with. We might enumerate a hundred others of the same way of thinking, but it is enough for us to mention Thaddeus Stevens, Passmore Williamson, and the officers of the Abolition and Anti-slavery Society in Philadelphia. The plotters of the Christiana outrage are all embarked in the cause which acknowledges John C. Fremont as its leader and its candidate.

The only candidate to arrest this tide of demoralization and sectionalism, is James Buchanan. It is against him and against the Constitution that this combination has been formed. It is in vain for a conservative citizen, of whatever politics, to close his eyes to the fact that the choice is narrowed down between Buchanan and Fremont, between the Constitution as represented by the one, and Disunion as represented by the other. The election of the latter

would dissolve every tie binding these States together. It would convert the District of Columbia into the theatre of a civil war; it would alienate every Southern State through its representatives, and it would leave in each branch of Congress a fanatical representation committed to the worst doctrines that have ever been preached or practised in any country. It is also in vain for moderate order-loving citizens to deny to themselves that the combination which supports John C. Fremont is at the same time the representative of other factions, and that chief among these latter is the faction of Abolition Know Nothings. The national men in the North and South who still support Mr. Fillmore, are regarded already by Fremont and his friends as certain, in the end, to prove his willing or unwilling allies. Even now where there are Fremont and Fillmore tickets running in the free States, such men as Wm. F. Johnston, Thaddeus Stevens, and David Wilmet, of Pennsylvania, have prepared a plan by which the National friends of Fillmore and the Disunion friends of Fremont shall vote the same electoral ticket, though Fillmore himself has denounced in terms of withering eloquence the platform upon which Fremont stands, while in the South every vote thrown for Mr. Fillmore is more or less an aid to John C. Fremont, to the extent that it may weaken James Buchanan.

We would speak of Mr. Fillmore with entire respect. His speech at Albany was patriotic and forcible, but it cannot be denied that out of New York, in the North, all those who pretend to support him will be called upon in the State elections to unite against the Democratic party with the friends of Fremont, otherwise known as the Black Republicans. In the November election, when the Presidential candidates come to be voted for, a similar attempt will be made to bring his friends into the support of the same electoral ticket, which is pledged to the support of the candidate of Greeley, Seward, and Giddings.

SHORT ANSWERS

TO

RECKLESS FABRICATIONS,

AGAINST THE

Democratic Candidate for President,

JAMES BUCHANAN.

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PHILADELPHIA:

WILLIAM RICE, BOOK AND JOB PRINTER,

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1856.

## SHORT ANSWERS TO RECKLESS FABRICATIONS.

### THE "DROP OF BLOOD" FALSEHOOD.

It must be a desperate calumny that Horace Greeley will not circulate against a political opponent. In his *New York Tribune*, of the 7th of June, 1856, he refuses to endorse the story, that Mr. Buchanan had, once declared, that "if he had a drop of Democratic blood in his body, he would open his veins and let it out." Mr. Greeley says:

"There has long been a story current that, in his old Federal days, Mr. Buchanan once declared, that 'if he supposed he had a drop of Democratic blood in his veins, he would open them and let it out.' We do not think any one who knew Mr. Buchanan, can have ever credited this tale. There is not a man living more unlikely to make rash, silly speeches, than he is.

It is scarcely necessary to add refutation to this *amende honorable*; but as the accusation, contemptible as it is, may require some new authoritative contradiction, we give Mr. Buchanan's own words, in a letter to the *Philadelphia Courier and Enquirer*, introduced by the editor of the *Harrisburg Reporter*:

[From the Washington Union.]

### THE "DROP OF BLOOD" CALUMNY.

We published yesterday the emphatic denunciation by the *Lancaster Intelligencer*, of the base calumny which attributed to Mr. Buchanan the declaration, that "if he had a drop of Democratic blood in his veins, he would let it out." It seems now that this falsehood originated in 1828, when Mr. Buchanan was a candidate for Congress as a Jackson Democrat. The charge was revived a few years afterwards, when Mr. Buchanan came forward with the characteristic straightforwardness and frankness of his nature, and denounced it as an unmitigated calumny. We copy from the *Harrisburg (Pennsylvania) Reporter*, the letter of Mr.

Buchanan, with the single remark that, with such a refutation as we now present, no one can repeat the slander without knowingly giving currency to a falsehood:

[From the Harrisburg (Pa.) Reporter.]

We observe by the report of Congressional proceedings, in the *National Intelligencer*, of March 30th, that on the previous Friday evening, our Senator Buchanan was assailed by Mr. Morgan, of New York, and La. C. B. of Pennsylvania, upon the floor of the House of Representatives, with the charge of once having said, in a 4th of July oration, "that if he thought he had one drop of Democratic blood in his veins, he would let it out." This charge was promptly contradicted by Messrs. Ramsey and General Keim, of the Pennsylvania delegation.

It is not our intention, at present, to make any comments upon this ridiculous story, which first originated in 1828, immediately preceding Mr. Buchanan's fifth election to Congress; but merely to re-publish the letter of that gentleman to the editor of the *Pennsylvania Inquirer and Courier*, dated February 27, 1838, contradicting the charge so explicitly and unequivocally, as to silence the slander, it was supposed, forever. This letter was elicited by a similar charge, made in debate by Mr. Cox, a member of the Convention for amending the Constitution of Pennsylvania, in May, 1837. It was then promptly repelled, before the Convention, by the present Judge Porter and Emanuel C. Reigart, both members of that body—the first a prominent Democrat, and the latter one of the anti-Masonic party in Pennsylvania. Had this sentiment, or anything like it, ever been uttered by Mr. Buchanan at a "political meeting in the court-house in Lancaster," these two gentlemen, from their position and character, must either have heard it themselves, or immediately heard it from others; both of them being residents of that city when it was alleged to have been uttered, and Mr. Reigart, residing there ever since. The charge would have specially attracted public attention at that time, as Mr. Buchanan was a successful candidate for the State Legislature both in October, 1814, and October, 1815.

Mr. Cox, not satisfied with the contradiction of Mr. Porter and Mr. Reigart, endeavored to obtain proof of the charge, and renewed, in a letter to the editor of the *Pennsylvania Inquirer and Courier*, dated February 24, and published in that paper of February 26, 1838, the testimony which he then adduced in support of it, and all which could be collected after a laborious search, consists of the certificate of a certain Anthony M'Glinn, and an extract of a letter from George Ford, Jr., both of which, it will be perceived, are referred to in the following letter of Mr. Buchanan:

*To the Editor of the Pennsylvania Inquirer and Courier:*

WASHINGTON CITY, February 27, 1838.

SIR:—I have this moment perused the letter of J. F. Cox, published yesterday's *Inquirer*. His late official station, as a member of the Convention, induces me to notice the stale slander which he again repeats, and which I now pronounce to be utterly and absolutely false, no matter

*from what source it may have proceeded or shall proceed. I never did, upon any occasion, public or private, whether at the court-house in Lancaster, or elsewhere, declare that "if I knew I had a drop of Democratic blood in my veins, I would let it out," or any words to that effect. This ridiculous story is without the shadow of foundation.*

The first version of the story was, that I had used the expression in an oration which I had delivered at the court-house in Lancaster, on the 4th of July, 1825. The oration itself disproved this assertion; and then, after Mr. Cox had made it a subject of debate before the Reform Convention, in May last, one of the papers at Harrisburg solemnly announced that the expression had been used by me on the floor of the House of Representatives, in this city, in reply to Gov. Floyd, of Virginia, and that it could be proved by a gentleman who had formerly been a Democratic representative in Congress from Pennsylvania. The scene is now again shifted to the court-house in Lancaster, and a certain Anthony M'Glenn is the witness. He states, that "a number of years ago, one evening," whilst I was addressing a political meeting there assembled, he had heard me use the expression already stated, "in an emphatic manner, with my right hand elevated above my head." He does not state the year when this expression was used, nor the name of any other person who was present at this public meeting.

It does not seem to have occurred to Mr. Cox, that if I had uttered such a sentiment as that attributed to me in the court-house at Lancaster, it would have been heard by hundreds of people; that it would immediately have become the subject of universal remark and universal condemnation, and that it would have been severely and justly commented upon in the newspapers of the day. Had it been true, there would have been no occasion to resort to Anthony M'Glenn to prove the charge, nor to a conversation alleged by Mr. Ford to have been held with Peter Shindle, who, although a respectable, is an aged man; and from a defect of memory, incident to that period of life, must have confounded what may have been stated to him by others with what he had heard himself. But, I repeat again, no matter who has been or shall be the witness, the tale is utterly and absolutely false.

Shortly after, the slander was made a subject of debate by Mr. Cox in the Reformed Convention; a number of the oldest and most respectable citizens of Lancaster, without distinction of party, signed a certificate disproving the charge, so far as it was possible for a negative to be proved, which was placed and still remains in the hands of one of my friends. After what had been said in reply to Mr. Cox by Mr. Porter and Mr. Reigart—who must either have heard the expression had it been used, or heard it immediately after—I deemed it wholly unnecessary then to publish this certificate.

Yours, very respectfully,

JAMES BUCHANAN.

We have said, in the commencement of this article, that we would at this time publish nothing in refutation of this charge but Mr. Buchanan's own letter. We have, however, procured a copy of the certificate to which Mr. B. refers, and give it publicity below for the first time. In

doing so, we will boldly assert, that the thirty subscribers to it are gentlemen of as much moral worth and respectability as can be found among the same number of individuals in any other community in the Union; and we venture to say, that NO RESPECTABLE MAN IN PENNSYLVANIA, OF ANY POLITICAL PARTY, after reading Mr. B's contradiction, endorsed by the cool and deliberate declaration of these gentlemen, will reiterate the charge, believing himself in its truth:

#### CERTIFICATE.

Several of the undersigned have known Mr. Buchanan ever since he first came to Lancaster to study law with the late James Hopkins, and the others for many years past. We are all convinced that, if at a public meeting at the court-house, or anywhere else in this city, he had ever used such an expression, or anything like it, as that which has been attributed to him by Mr. Cox in the Convention, to wit: "that he thanked his God he had not a drop of Democratic blood in his veins, and if he had, he would let it out," some of us would have heard it, and all of us would have heard of it, and it must have become a subject of general conversation throughout Lancaster. To the best of our knowledge, it never was mentioned by any person until the year 1828, immediately before Mr. Buchanan's last election to Congress on the Democratic Jackson ticket. As this election immediately preceded General Jackson's first election to the Presidency, (in November, 1828,) and as Mr. Buchanan had been for several years previously his ardent and active supporter, he was then opposed with much zeal and bitterness.

Ever since we first heard this story, referring back as it did to 1816, we have always believed, and still believe, that it was got up without any foundation in fact, for the purpose of operating against Mr. Buchanan's election to Congress in 1828. Indeed, we had never supposed that any person acquainted with his character could believe that at any period of life he would have made such a declaration as now seems to be seriously imputed to him.

Wm. Jenkins,  
Wm. B. Fordney,  
Reab Frazer,  
F. A. Muhlenberg,  
John Mathiot,  
William Norris,  
John Christ,  
George Musser,  
William Frick,  
Samuel Dale,  
Joseph Opilby,  
John F. Stetman,  
Emanuel O. Reigart,  
Adam Reigart,  
Benjamin Champneys,

Jas. Humes,  
Geo. H. Krug,  
Wm. Cooper,  
John N. Lane,  
John Reynolds,  
John R. Montgomery,  
Henry Rogers,  
Jacob Demuth,  
Christian Bachman,  
John Bomberger,  
John Ross,  
John Evans,  
John Miller,  
Henry Keffer,  
George Messenkop.

The Harrisburg Reporter referred to, is not now published; but at the time the editorial above copied was written and printed, it was the Democratic State paper of Pennsylvania. The Mr. Cox, who made the charge against Mr. Buchanan, has been dead for some years; but before he died, he became a Democrat, and fully and repeatedly atoned for the wrong he did to Mr. Buchanan. Indeed, he became one of Mr. Buchanan's best friends. Of the signers to the card above quoted, a number have died. There were Democrats and Whigs on this list. Among those still living is Hon. E. C. Reigart, who was opposed to the Democracy in 1838, even while defending Mr. Buchanan against this aspersions. He is a distinguished politician and lawyer. He is now Mr. Buchanan's decided advocate for the Presidency.

## FABRICATION NO. II.

### MR. BUCHANAN AND THE WAR OF 1812.

Some of the opposition papers are re-publishing an oration alleged to have been delivered by Mr. Buchanan on the 4th of July, 1815; and he is falsely accused of having opposed the vigorous prosecution of the war of 1812. In 1847, after he was appointed Secretary of State by Mr. Polk, a similar charge was made against him in Tennessee, of which he was informed by Hon. George W. Jones, a leading member of the present Congress from that State. Mr. Buchanan replied by the following letter, which so clearly covers the whole ground, that all necessity for further comment is precluded:

WASHINGTON, April 23, 1847.

MY DEAR SIR:—I have this moment received your letter of the 15th inst., and hasten to return an answer.

In one respect I have been fortunate as a public man. My political enemies are obliged to go back for more than thirty years to find plausible charges against me.

In 1814, when a very young man, (being this day 56 years of age,) I made my first public speech before a meeting of my fellow-citizens of Lancaster. The object of this speech was to urge upon them the duty of volunteering their services in defence of their invaded country. A volunteer company was raised upon the spot, in which I was the first, I believe, to enter my name as a private. We forthwith proceeded to Baltimore, and served until we were honorably discharged.

In October, 1814, I was elected a member of the Pennsylvania Legis-

lature; and in that body gave my support to every measure calculated, in my opinion, to aid the country against the common enemy.

In 1815, after peace had been concluded, I did express opinions in relation to the causes and conduct of the war, which I very soon after regretted and recalled. Since that period I have been ten years a member of the House of Representatives, and an equal time of the Senate, acting a part on every great question. My political enemies, finding nothing assailable throughout this long public career, now resort to my youthful years for expressions to injure my political character. The brave and generous citizens of Tennessee, to whatever party they may belong, will agree that this is a hard measure of justice, and it is still harder that, for this reason, they should condemn the President for having voluntarily offered me a seat in his Cabinet.

I never deemed it proper, at any period of my life, whilst the country was actually engaged in war with a foreign enemy, to utter a sentiment which could interfere with its successful prosecution. Whilst the war with Great Britain was raging, I should have deemed it little better than moral treason to paralyze the arm of the Government whilst dealing blows against the enemy. After peace was concluded, the case was then different. My enemies cannot point to an expression uttered by me during the continuance of the war, which was not favorable to its vigorous prosecution.

From your friend, very respectfully,

JAMES BUCHANAN.

HON. GEORGE W. JONES.

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### FORMER OPPONENTS AND PRESENT OPPONENTS PAYING TRIBUTE TO MR. BUCHANAN'S INTEGRITY, AND REFUTING ATTACKS UPON HIS CHARACTER.

This pamphlet might be extended through many pages, by extracts from the speeches of former opponents, now acting with the Democratic party, and those supporting other candidates, bearing testimony either to Mr. Buchanan's spotless reputation and statesmanlike ability, or else contradicting the stories in circulation against him.

Let us take Andrew Jackson Donelson, now a candidate for the Vice-Presidency, on the Fillmore ticket, and we find that, while he was editor of the *Washington Union*, on the 5th of June, 1851, he defended Mr. Buchanan against an attack of the organ of Mr. Fillmore's administration, in the following language:

"But the special organ, instead of manfully acknowledging the error which has been committed by its party in the countenance it has given to political anti-slavery organization—an error not denied nor even concealed by the President, or any one of his cabinet ministers, in the various speeches which they have addressed to the abolition districts of New

*York*—imagines that it is its office to neutralize the force of such a fact, by reviving the stale charge of Federalism against Mr. Buchanan, who is one, amongst some eight or ten of the prominent men in the Democratic party, that may be brought before a National Convention, whose duty it will be to put some one of them in nomination for the Presidency. This gentleman has friends who will doubtless, in due season, make a more detailed vindication of his character than we have done in this hasty article. What we have said, is not a defence of Mr. Buchanan as a candidate for the Presidency, but as a member of the party in whose service he has acquired the high respect of his fellow-citizen, and has proved that he possesses the eminent ability and patriotism, which justified the confidence given to him by the State which he so long represented in the Senate of the United States, and afterwards by President Polk, who gave him the first place in his Cabinet."

The Hon. Oscar F. Moore, at present a representative in Congress from the Ross district, Ohio, a leading member of the Opposition party, in a letter to his constituents, defines his position as follows:

"With the announcement of the nomination of Fremont, as it spread with lightning rapidity over the land, expired the last hope that lingered around the Philadelphia Convention. What a fall! Judge McLean, with all his age, learning and experience, his fame, his stern integrity—the hopes of quiet, peace, purity, safety and glory to the country, concentrated in him—rejected! And a man, whose only merit, so far as history records it, is in the fact, that he was born in South Carolina, crossed the Rocky Mountains, subsisted on frogs, lizzards, snakes and grasshoppers, and captured a woolly horse, chosen as the person to control the destinies of this great nation! And this too, by the cool, deliberate, intellectual men of New England and the North!! But what shall we do! If Judge McLean had been nominated, no one could have hesitated. Nor can I now hesitate to take position. As warmly and as steadily as I have heretofore opposed the Democratic party, and as bitterly as I denounced the Cincinnati Platform now, with my respect for the ability, age and experience of Mr. Buchanan, and with my *contempt* for the claims of Fremont, and the *arrant folly*—to use no harsher term—of those who *dictated* his nomination, if I were *compelled* this day to choose between them, I should vote for Mr. Buchanan."

Thaddeus Stevens, with a full knowledge of Mr. Buchanan's position, (he resides in Mr. Buchanan's own county,) declared in the Philadelphia Black Republican Convention, that Mr. B. would carry the State of Pennsylvania by fifty thousand majority. He said:

Mr. Stevens saw what the current of the Convention was—he did not rise to resist it—but he admonished delegates to take care it does not sweep away friends as well as foes. [Applause.] Pennsylvania is embarrassed by the withdrawal of the only name he thought could save the

State. He would like to have time to consult his colleagues. He would be sorry to see Judge McLean's name introduced now; but he was assured that without that name, *Pennsylvania would be lost by 50,000 majority in the Fall!* In conclusion, he moved to adjourn until 10 o'clock next morning.

The *National Intelligencer*, the organ of the Fillmore opposition, at Washington, spoke of Mr. Buchanan's nomination, as follows:

"Mr. Buchanan is a man of character, of stainless private life, and of long and varied experience in public affairs. As a gentleman, we have nothing to object to him, save his party politics and party career; and although we trust that the anti-Democratic conservative power of the country will be able to beat him, yet, if they should fail, they may still hope that his success will give to the country a President, who will prove a friend to the Union, and more conservative in his administration, than is the political platform upon which he has been placed by the Convention."

As a comment upon the course of some of the opposition papers, we may add, that before the National Democratic Convention met, they were very confident that Mr. Buchanan would not be nominated, and many of them anticipating this result, spoke of him in the highest terms, some saying, that if nominated, it would be vain to make any opposition to him. No doubt much of this grew out of a desire to prepare the Democracy for a state of feeling consequent upon the unexpected defeat of Mr. Buchanan. An evidence of this is to be found in the following paragraph, which was telegraphed to the *New York Tribune*, from Cincinnati, on the 3d of June last:

AN EARLY SURRENDER.—"If Mr. Buchanan's friends fulfil their confident expectations, he will be nominated before this reaches the *Tribune*. He will not be nominated at all except by a divided Convention, after Thursday night. *His nomination has been generally deprecated by the Republicans as dangerous, if not FATAL to their success.*"

But probably the most complete answer to every charge against Mr. Buchanan, is to be found in the fact, that from Maine to Georgia, the most eminent minds heretofore opposed to the Democratic party are rallying in his support. Look at the list in Pennsylvania. There is Joseph R. Chandler, William B. Reed, Josiah Randall, Frederick Fraley, Eli K. Price, and hundreds of men who have heretofore been the light and the staff of the old Henry Clay party. In Maryland, there are Senators Pearce and Pratt, Beverdy Johnson, and hundreds of men of that class. In Louisiana, Senator J. P. Benjamin. In Missouri, Hon. Sam. Caru-

thers, and Mordecai Oliver. In Kentucky, Hon. Wm. E. Preston, and hosts of others. All these men with thousands at their backs agreeing with them, look down with ineffable contempt and scorn upon the calumnies which have grown so stale and so old, that Mr. Greeley himself has got tired and disgusted with them, and in a late number of his *Tribune*, speaks as follows:

"In opening the Presidential canvass of 1856—a canvass destined to form a memorable epoch in our Nation's history—we would impress on our compatriots in the support of Fremont and Dayton, and especially our brethren of the Republican Press, the wisdom and sound policy of refraining from all personal warfare. We believe all the candidates in nomination for President and Vice President have sustained fair reputations in all their relations as citizens; and, if it were possible to rake from the dust of oblivion some charge that would tend to the disparagement of one or another of them, we hold it unwise and improper to do so."

#### MR. BUCHANAN AND GENERAL JACKSON.—MR. BUCHANAN AND MR. CLAY.

Andrew Jackson Donelson, whose defence of Mr. Buchanan appears in another part of this pamphlet, has been ransacking some of General Jackson's *private letters*, to find reflections against Mr. Buchanan. A very brief answer only is necessary here. Two facts will go far to show that Mr. Buchanan bore a relation to General Jackson, such as no man ever maintained who did not secure the confidence of the old hero. After his ten years' service in the U. S. House of Representatives, Mr. B. retired to private life; and one of the first acts of General Jackson, after that, was to make a voluntary tender to him of the important mission to Russia. The other fact is that which defies denial—that Mr. Polk appointed Mr. Buchanan Secretary of State in his administration, after consultation with General Jackson, who was then residing at the Hermitage, and who recommended and approved the selection. On this latter point, the facts are alike ample and conclusive.

The following from the *Washington Union*, conducted by Hon. A. O. P. Nicholson, of Tennessee, and personally known to all the parties, is so full and complete on this subject, that we copy it entire:

[From the *Washington Union*.]

GEN. JACKSON.—MR. CLAY.—MR. BUCHANAN.

The friends of General Jackson will read the paragraph below, from the *Nashville Union*, with gratification. It is high time that Andrew Jackson should step forward to arrest the ruthless war of ingratitude and

the malignity, which is being waged on the memory of his father. We trust that the son will be no longer restrained by feelings of delicacy from coming forward to shield the fame of his illustrious father, from the wicked abuse of the confidence which he reposed in such ingrates as Blair and Donelson. There is no lower deep of political degradation, than that to which the man has descended, who would take advantage of the speechless silence of the grave to abuse the confidence of his benefactor with impunity.

We suppose the late publication of what purports to be a part of a private letter of General Jackson, in which he refers to the connection of Mr. Buchanan with the charge of "bargain and intrigue," that involved General Jackson and Mr. Clay in an angry controversy, has induced Major Jackson to express the purpose indicated in the paragraph below. We understand the Nashville Union to intimate that Major Donelson has furnished this extract to his organ in Nashville, for publication. The object of its publication is to exhume from the graves of Jackson and Clay a quarrel which was buried with their bodies, under the hope of exciting the feelings of their respective friends against Mr. Buchanan. We know with how much ardor and earnestness the people of Tennessee and Kentucky contest the ascendancy in their political conflicts; but we know, too, that they are as generous, as brave, and as noble a people as live. We think, therefore, we risk nothing in predicting that the effort to revive a personal quarrel between the friends of the two men, whose memories are respectively dear to the two people, will cause both to turn with loathing and disgust from so unmanly a mode of warfare. It was our fortune to know something personally of General Jackson's feelings and opinions in respect to public men, as also to know from actual observation, the relations between Mr. Clay and Mr. Buchanan. Upon this knowledge, we have the most perfect conviction, that whatever feelings General Jackson and Mr. Clay carried to their graves towards each other, they carried none towards Mr. Buchanan, but those of earnest friendship. Before quoting the paragraph referred to, we commend to our readers, as a conclusive answer to the attempt to misrepresent the relations subsisting between General Jackson and Mr. Clay and Mr. Buchanan, the following extract from a late number of the Nashville Union:

"It is supposed that General Jackson and Mr. Clay knew more about this matter, and how far Mr. Buchanan was answerable, than any other two men that ever lived; and that, if General Jackson and Mr. Clay could excuse Mr. Buchanan of any wrongful intention, and honor him with their confidence, no one else can have proper cause of complaint against him. That Mr. Buchanan's explanation of the misunderstanding that had grown out of the conversation between himself and General Jackson, was entirely satisfactory to Mr. Clay, is a matter of history; many evidences of which could be given, but the following will suffice:"

**MR. CLAY TO MR. BROOKE.**

"Mr. Buchanan has presented his communication to the public; and although he evidently labors throughout the whole of it to spare and cover General Jackson, he fails in every essential particular to sustain

the General. Indeed, I could not desire a stronger statement from Mr. Buchanan."

Ex-Governor Letcher, the bosom friend of Mr. Clay, writing from Lexington, Ky., August 25, 1827, says:

"With your letter of the 9th, Mr. Buchanan's response to the hero was received. This answer is well put together. As they say in Connecticut, 'there is a great deal of good reading' in Buck's reply. It is modest and gentle, yet strong and conclusive. I am truly delighted with the manner in which Mr. B. has acquitted himself."

We might also quote from Prentice's biography of Mr. Clay, written many years ago, in which he said that Mr. Buchanan had acquitted himself in this matter like "an honorable man." But the fact that Mr. Clay did not censure Mr. Buchanan, after being made to understand the facts, is too notorious for argument.

As to General Jackson, it is a matter interwoven with the history of the country—whatever scandalous betrayals of private confidence men may now make by parading letters shamefully perverted, and that were never intended to be published—that a warm and cordial intimacy and mutual regard and confidence existed between him and Mr. Buchanan to the last hour of the old hero's life.

All these old, unpleasant difficulties, rejuvenated by the Banner, through the aid of Maj. Donelson, were enacted from 1825 to 1827. Four years afterwards, upon retiring from Congress, in 1831, Mr. Buchanan received from Gen. Jackson, unsolicited, the high compliment and trust of the mission to Russia, in which capacity he rendered the country the important service of negotiating the first commercial treaty between the United States and Russia, which secured to our commerce the ports of the Baltic and the Black Sea.

Mr. Polk is known to have gone to the Hermitage, upon the eve of his departure, for the special purpose of consulting General Jackson on the subject of his Cabinet. Pennsylvania, led by James Buchanan, had contributed her electoral vote to his election. General Jackson had known Mr. Buchanan intimately for twenty years. The consequence was, Mr. Polk invited Mr. Buchanan to accept the portfolio of the State Department, the head of his Cabinet. It was in view of all these things, and the grave importance of the mission, that President Pierce sent him as Minister to England. And it is for his purity of public and private character, as attested by the confidence of Jackson, Polk, and Pierce, and the large and comprehensive statesmanship which he manifested in all these important public stations, filled at their solicitation, that the Democratic party have put him forward as their candidate for the Presidency.

If Mr. Clay "could not ask a stronger statement from Mr. Buchanan," and respected his great public worth, as he frequently attested when they were both members of the United States Senate in 1841—if General Jackson could so esteem him as to appoint him to an important foreign mission in 1831, recommend him to Mr. Polk as a Cabinet officer, and express regret for his defeat for the Senate as late as 1845—is it not the most contemptible twaddle for men who have been treacherous themselves to both the old parties, led respectively by Clay and Jackson, to be raising

and I repeat this day, against so venerable a patriot and hero as James Buchanan? This is all we have to say on this branch of the subject. Alluding to the letter of Gen. Jackson, alluded to in the foregoing article, that the following paragraph appeared in a subsequent issue of the *Mercury Union*:

"We were much gratified a few days since, to receive a visit, from Mr. Andrew Jackson, the present occupant of the Hermitage. He expressed himself greatly mortified at the wanton and unauthorized use which has recently been made of the private letters of his father, Gen. Jackson—letters which the unworthy possessors of, would sooner stick their heads in the fire than to have published, if the old hero had been living. Mr. Jackson regards the use which has been made of these random letters as an outrage upon the memory of his revered father not longer to be submitted to in silence, and which he can and will effectually crush if persisted in."

### MR. BUCHANAN'S OWN STATEMENT.

The following letter from the Hon. James Buchanan, to which both Mr. Clay and Mr. Letcher refer, is so candid, frank, and plain a statement, that we publish it entire. It was after the publication of this letter, that General Jackson offered to Mr. Buchanan the post of Minister to Russia, and recommended his appointment as Secretary of State to President Polk:

*To the Editor of the Lancaster Journal.*

The Cincinnati *Advertiser* was last night placed in my hands by a friend, containing an address from Gen. Jackson to the public, dated on the 18th ultimo, in which he announces me to be the Member of Congress to whom he had referred, in his letter to Mr. Beverly of the 5th of June last. The duty which I owe to the public, and to myself, now compels me to publish to the world, the only conversation which I ever held with Gen. Jackson, on the subject of the last Presidential election, prior to its termination.

In the month of December, 1824, a short time after the commencement of the session of Congress, I heard, among other rumors then in circulation, that Gen. Jackson had determined, should he be elected President, to continue Mr. Adams in the office of Secretary of State. Although I felt certain he had never intimated such an intention, yet I was sensible that nothing could be better calculated both to cool the ardor of his friends, and to inspire his enemies with confidence, than the belief that he had already selected his chief competitor, for the highest office within his gift. I thought General Jackson owed it to himself and to the cause, in which his political friends were engaged, to contradict this report; and to declare that he would not appoint to that office the man, however worthy he might be, who stood at the head of the most formidable party of his political enemies. These being my impressions, I addressed a letter to a confidential friend in Pennsylvania, then and still high in office, and exalted in character, and one who had ever been the decided advocate of General Jackson's election, requesting his opinion and advice upon the subject. I received his answer, dated the 27th December, 1824, upon the 29th, which is now before me, and which strengthened and confirmed my previous opinion.

I then finally determined, either that I would ask General Jackson myself, or get another of his friends to ask him—whether he had ever declared he

would appoint Mr. Adams his Secretary of State. In this manner, I hoped a contradiction of the report might be obtained from himself, and that he might probably declare it was not his intention to appoint Mr. Adams.

A short time previous to the receipt of the letter to which I have referred, my friend Mr. Markley and myself got into conversation, as we very often did, both before and after, upon the subject of the Presidential election, and concerning the person who would probably be selected by General Jackson, to fill the office of Secretary of State. I feel sincerely sorry that I am compelled thus to introduce his name; but I do so with the less reluctance, because it has already, without any agency of mine, found its way into the newspapers, in connection with this transaction.

Mr. Markley adverted to the rumor which I have mentioned, and said it was calculated to injure the General. He observed, that Mr. Clay's friends were warmly attached to him, and that he thought they would endeavor to get in concert at the election. That if they did so, they could either elect Mr. Adams or General Jackson at their pleasure; but that many of them would never agree to vote for the latter, if they knew he had predetermined to prefer another to Mr. Clay, for the first office in his gift. And that some of the friends of Mr. Adams had already been holding out the idea, that in case he were elected, Mr. Clay might probably be offered the situation of Secretary of State.

I told Mr. Markley, that I felt confident General Jackson had never said he would appoint Mr. Adams Secretary of State; because he was not in the habit of conversing upon the subject of the election; and if he were, whatever might be his secret intention, he had more prudence than to make such a declaration. I mentioned to him that I had been thinking, either that I would call upon the General myself, or get some one of his other friends to do so, and thus endeavor to obtain from him a contradiction of the report; although I doubted whether he would hold any conversation upon the subject.

Mr. Markley urged me to do so; and observed, if General Jackson had not determined whom he would appoint Secretary of State, and should say that it would not be Mr. Adams, it might be a great advantage to our cause, for us so to declare, upon his own authority; we should then be placed upon the same footing with the Adams men, and might fight them with their own weapons. That the western members would naturally prefer voting for a western man, if there were a probability that the claims of Mr. Clay to the second office in the Government should be fairly estimated; and that if they thought proper to vote for Gen. Jackson, they could soon decide the contest in his favor.

A short time after this conversation, on the 30th December, 1824, (I am enabled to fix the time not only from my own recollection, but from letters which I wrote on that day, on the day following, and on the 2d January, 1825) I called upon General Jackson. After the company had left him, by which I found him surrounded, he asked me to take a walk with him; and whilst we were walking together upon the street, I introduced the subject. I told him, I wished to ask him a question in relation to the Presidential election; that I knew he was unwilling to converse upon the subject; that therefore if he deemed the question improper, he might refuse to give it an answer. That my only motive in asking it, was friendship for him, and I trusted he would excuse me for thus introducing a subject, about which I knew he wished to be silent.

His reply was complimentary to myself, and, accompanied with a request that I should proceed. I then stated to him, there was a report in circulation, that he had determined he would appoint Mr. Adams Secretary of State, in case he were elected President; and that I wished to ascertain from him

that he had overruled such an intention. That he must at once disavow, how injurious to his election such a report might be. That no doubt, there were several able and ambitious men in the country, many whom I thought Mr. Clay might include, who were aspiring to that office; and it was believed he had already decided to appoint Mr. Clay's competitor, it might have a most unhappy effect upon their exertions, and those of their friends. That unless he had so determined, I thought this report should be promptly contradicted under his own authority.

I mentioned, it had already probably done him some injury, and proceeded to relate to him the substance of the conversation which I had held with Mr. Marbley. I do not remember whether I mentioned his name, or merely described him as a friend of Mr. Clay.

After I had finished, the General declared he had not the least objection to answer my question. That he thought well of Mr. Adams; but had never said or intimated, that he would, or that he would not, appoint him Secretary of State. That these things were secrets he would keep to himself—he would conceal them from the very hairs of his head. That if he believed his right hand then knew what his left would do upon the subject of appointments to office, he would cut it off and cast it into the fire. That if he should ever be elected President, it would be without solicitation and without intrigue on his part—that he would then go into office perfectly free and untrammelled, and would be left at perfect liberty to fill the offices of government with the men whom at the time he believed to be the ablest and the best in the country.

I told him that his answer to my question was such an one as I had expected to receive, if he answered it at all; and that I had not sought to obtain it for my own satisfaction. I then asked him if I were at liberty to repeat his answer. He said I was perfectly at liberty to do so to any person I thought proper. I need scarcely remark that I afterwards availed myself of the privilege. The conversation upon this topic here ended—and in all our intercourse since, whether personally or in the course of our correspondence, Gen. Jackson never once adverted to the subject, prior to the date of his letter to Mr. Beverly.

I do not recollect that General Jackson told me I might repeat his answer to Mr. Clay and his friends; though I should be sorry to say he did not. The whole conversation being upon the public street, it might have escaped my observation.

A few remarks more, and I trust I shall have done with this disagreeable business forever.

I called upon Gen. Jackson on the occasion which I have mentioned, solely as his friend, upon my individual responsibility, and not as the agent of Mr. Clay, or any other person. I never have been the political friend of Mr. Clay since he became a candidate for the office of President, as you very well know. Until I saw Gen. Jackson's letter to Mr. Beverly of the 5th ult., and at the same time was informed by letter from the Editor of the United States *Telegraph*, that I was the person to whom he alluded, the conception never once entered my mind, that he deemed me to have been the agent of Mr. Clay, or of his friends, or that I had intended to propose to him terms of any kind from them, or that he could have supposed me to be capable of expressing the opinion that it was right to fight such intriguers with their own weapons. Such a supposition, had I entertained it, would have rendered me exceedingly unhappy; as there is no man upon earth whose good opinion I more value than that of General Jackson. He could not, I think, have received this impression until after Mr. Clay and his friends had actually elected Mr. Adams President, and Mr. Adams had appointed Mr. Clay Secretary of State. After these events had transpired, it may be readily conjectured, in what manner

my communication might have led him into the mistake. I deeply deplore that such has been its effect.

I owe it to my own character to make another observation. Had I ever known, or even suspected that Gen. Jackson believed I had been sent to him by Mr. Clay or his friends, I should have immediately corrected his erroneous impression; and thus prevented the necessity for this most unpleasant explanation. When the Editor of the *United States Telegraph*, on the 12th of October last, asked me by letter for information upon the subject, I promptly informed him by the returning mail on the 16th of that month, that I had no authority from Mr. C. or his friends, to propose any terms to Gen. Jackson in relation to their votes, nor did I ever make any such proposition; and that I trusted I would be as incapable of becoming a messenger, upon such an occasion, as it was known Gen. Jackson would be to receive such a message. I have deemed it necessary to make this statement, in order to remove any misconception which may have been occasioned by the publication, in the *Telegraph*, of my letter to the editor, dated the 11th ultimo.

With another remark, I shall close this communication. Before I held the conversation with Gen. Jackson, which I have detailed, I called upon Major Eaton, and requested him to ask Gen. Jackson, whether he had ever declared or intimated, that he would appoint Mr. Adams Secretary of State, and expressed a desire that the General should say, if consistent with truth, that he did not intend to appoint him to that office. I believed that such a declaration would have a happy influence upon the election, and I endeavored to convince him that such would be its effect. The conversation between us was not so full as that with General Jackson. The Major politely declined to comply with my request, and advised me to propound the question to the General myself, as I possessed a full share of his confidence.

JAMES BUCHANAN.

*Lancaster, 8th August, 1827.*

## MR. BUCHANAN AND THE LABORING MAN.

No public man has ever been more consistent in his defence of measures, in which the laboring classes have been interested, than Mr. Buchanan. While a Senator in Congress, he was probably the most effective advocate of all laws to liberalize and improve the Charter of the District of Columbia, particularly in his opposition to the circulation of small notes, that vitiated currency from which so many evils have sprung, and by which so many honest men and women have suffered. The explosions of the shin plaster shops, in the city of Washington, would never have occurred, had the laws for which Mr. Buchanan pleaded so earnestly in the Senate, been enforced. His speeches in favor of a liberal land policy, to enable the enterprising poor man to settle upon the public lands, and be free from the clutches of those speculators, who so often take up millions of acres, for the purpose of coining fortunes out of the honest emigrant, are memorable. He was one of the earliest advocates of liberalizing the Constitution of Pennsylvania, so as to render it more popular in its character. In 1840, when everything seemed to be "fair in politics," a grand clamor was raised against Mr. Buchanan, on the ground that he had argued in the Senate, in his speech of 22d of January, 1840, in favor of

paying the American laborer but ten cents a day. It teaches us a lesson now, when we see so many men (even among those who are at present supporting Mr. Fremont and Mr. Fillmore) coming forward and regretting and withdrawing this unjust accusation. This charge then rung from every stump; thousands of men were misled by it; but time and reflection have done the work, and Mr. Buchanan is vindicated. A great revolution has taken place since he made the admirable speech from which this perverted statement was wrested. When he spoke, the country was suffering under the effects of a contraction in the money market, resulting from the explosion of the Bank of the United States, and every branch of industry was more or less affected by the condition of financial affairs. The Independent Treasury was then that great bugbear, which was to withdraw all the specie from circulation, and to ruin everybody, high and low. It was to prove the advantage of a sound currency, that Mr. Buchanan spoke against that multiplication of paper money, from which so many evils have sprung. But the objections to the Independent Treasury have been answered by results. Where is there now to be found, the man who doubts that the Independent Treasury has been of immense advantage to commerce and to trade; and where is the mechanic, or the laboring man, who sees for himself, how important it is to his interest to have sound banks or gold and silver, who will not look back upon the attacks upon Mr. Buchanan's Independent Treasury speech, in 1840, with something of confusion, that he should have permitted himself for a moment to be deluded by the vociferations of the opposition? Mr. Greeley of the *New York Tribune*, again comes forward to make a clean breast of it. We copy from the *Tribune*, since Mr. Buchanan's nomination:

"The charge that Mr. Buchanan has advocated a reduction of laboring men's wages to ten cents per day, has but a very partial support in fact. He certainly never made any such proposition directly, nor anything, which he understood to have that effect."

Now, the editor of the *Tribune* should have been still more frank; he should have stated that no man did half so much as himself to keep alive sixteen years ago, the very falsehood which, at this late hour, he comes forward to clear his conscience of. Better late than never, however, and we congratulate the leading organ of the Fremont party upon the unconscious confession of its own sin, and the lesson it teaches those who are accustomed to believe in it.

#### FRANCIS P. BLAIR ANSWERING THIS CALUMNY.

The history of the gross and reckless misrepresentation of Mr. Buchanan's speech of January of 1840, has been written by Francis P. Blair, now one

of the most active friends of Fremont. Mr. Blair, it will be recollected, was the editor of the *Washington Globe* in 1840, and at that time advocated the measures and the man that now encounter his extreme hostility. By degrees he has become so identified with the opposition to the Democratic party, that he has at last become the associate of Mr. Seward and Mr. Giddings. His testimony on the subject of the misrepresentation of Mr. Buchanan's speech is patent to the present attempt of the more reckless opponents of the Democratic party, and expose them to ridicule and scorn. We copy from the *Globe*, of March 3, 1840, the following editorial from the pen of Mr. Blair:

[From the *Washington Globe*, March 3, 1840.]

We publish in this evening's *Globe* the remarks of Mr. Buchanan in the Senate on Tuesday last, in relation to the misrepresentations of his speech in favor of the Independent Treasury bill, contained in the published speech of Mr. Davis, (of Mass.) against that measure. It will be perceived that the charge made was, that this gentleman had, throughout his remarks, alleged that Mr. Buchanan had supported the bill on the principle that it would destroy the banking system, and restore an exclusive gold and silver currency, and would, as a necessary consequence, check importations, suppress credit, and reduce the wages of labor and the value of property to one-half their present prices. Such objections have heretofore been those chiefly urged by its enemies against the measure; but, by Mr. Davis, throughout his whole speech, they have been put into the mouth of Mr. Buchanan as arguments in its favor. Every one can perceive how much political capital might be made by circulating throughout the country, that the unfounded objections made to the bill by its open enemies, were not only admitted to exist by so distinguished a friend of the measure as Mr. Buchanan, but had been actually urged by him as arguments in its favor!

So far from this being the fact, the speech of Mr. Buchanan—and we heard every word of it—not only did not contain any such arguments as had been attributed to him by Mr. Davis, but his arguments were all of a contrary character. He ridiculed the idea which had been formerly urged by the opponents of the bill, that "it was to devour all the banks, and establish a pure metallic currency for all the transactions of all the people of the United States," and while he proved conclusively that it would be of inestimable advantage by separating the banks from the Government, he rendered it clear that it would not injuriously affect the banks or the business of the country. How Mr. Davis could have put such arguments into his mouth, as he has done, we are utterly at a loss to conjecture.

A friend of Mr. Buchanan having called his attention to the published speech of Mr. Davis, the former brought the subject before the Senate on Tuesday last, in the remarks which we now publish. Mr. Buchanan conditionally applied the epithet "flagitious," which Mr. Davis had first used in his speech, to characterize the propositions which he said had been advocated by Mr. Buchanan, to the misrepresentations made by Mr. Davis, of Mr. Buchanan's argument. This produced some altercation; but, after the gentlemen had compared notes with each other, the subject seemed to have passed away without appearing to leave any very unpleasant feeling behind. On the next morning, (Wednesday,) Mr. Davis appeared in the Senate, said his remarks on the preceding day had been misunderstood by his friends, and desired a further opportunity of addressing the Senate on the subject; this was delayed by Mr. Grundy's speech, until Friday morning, when Mr. Davis rose and delivered a speech, marked throughout with strong

and personally offensive expressions in regard to Mr. Buchanan's previous remarks, and concluded with the declaration, that "he repelled them with the scorn and contempt which they deserved."

Mr. Buchanan, who is proverbially mild and courteous to his opponents, was left without any alternative but that of treating Mr. Davis with severity. He was perfectly calm and collected in his manner. He commenced with stating what we copy from the notes of our reporter: "That when he had addressed the Senate a few days ago, he had endeavored to state what he believed to be his grievance in the mildest manner which the nature of the case admitted, and to treat the Senator from Massachusetts, so far as he could, with courtesy and respect. The remarks of that gentleman to-day, had, however, absolved him from any such obligation, and he should proceed to treat his misrepresentations as they deserved." We have never heard a more just and conclusive reply, or one more severe in its character. The Senator appeared altogether in a new light. Mr. Davis rejoined; the altercation became quite personal on both sides, and Mr. Buchanan, in conclusion, triumphantly declared that he had fixed the charge of grossly misrepresenting his remarks upon him, and there it should stick like the poisoned shirt of Nessus.

We have not met any candid and impartial man who was present, who does not believe that Mr. Buchanan made out his case clearly and triumphantly. It would have been better, much better, for Mr. Davis, at first, to have admitted the misrepresentations charged, and stated that they were unintentional mistakes, if such were the fact. From the result of the controversy, we entertain not a doubt that he is now of the same opinion. When the entire debate should be published, we have no doubt this will be the settled conviction of our readers.

We now come to a few extracts from the original speech, which has been so much misrepresented, referring those who want a full report of the speech, to the authentic copy, published by the Democratic National Committee, and to be found in the hands of most of the Democratic State and County Committees. We also append other extracts from Mr. Buchanan's subsequent speeches, exposing the misrepresentations of Davis:

Amongst others who undertook to answer Mr. Buchanan's speech, was the Hon. John Davis, of Massachusetts—he that was usually known as "honest John Davis." He assumed in his argument, directly in the teeth of the fact, that Mr. Buchanan had advocated the Independent Treasury on the ground that it would establish an exclusive metallic currency. Starting with this erroneous assumption, he argued to show that it would bring down the wages of labor to the standard of prices in countries where the currency is exclusively metallic. To this speech, when published, there was an appendix, in which he introduced a table, showing that in some of the exclusive metallic countries of Europe laborers only received ten cents a day. Putting the speech and the appendix together, the hint was taken, and a clamor raised that the Democrats were in favor of reducing the wages of labor to ten cents a day.

In a subsequent speech, made on the 3d of March, 1840, Mr. Buchanan denounced the charge against him in the strongest language, saying:

Self-respect, as well as the respect which I owe to the Senate, restrains me from giving such a contradiction to this allegation as it deserves. It would surely not be deemed improper, however, in me, if I were to turn to the Senator and apply the epithet which he himself has applied to the proposition he imputes to me, and were to declare that such an imputation was a 'flagitious' misrepresentation of my remarks."

Mr. Buchanan repeated his real position as laid down in his original speech, as follows:

"In my remarks I stated distinctly what legislation would, I thought, be required to accomplish this purpose. In the first place, I observed that the banks ought to be compelled to keep in their vaults a certain fair proportion of specie compared with their circulation and deposits; or, in other words, a certain proportion of immediate specie means, to meet their immediate responsibilities. 2d. That the foundation of a specie basis for our paper currency should be laid by prohibiting the circulation of bank notes, at the first under the denomination of ten, and afterwards under that of twenty dollars. 3d. That the amount of bank dividends should be limited. 4th. And, above all, that, upon the occurrence of another suspension, the doors of the banks should be closed at once; and their affairs placed in the hands of commissioners. A certainty that such must be the inevitable effect of another suspension would do more to prevent it than any other cause. To reform, and not to destroy, was my avowed motto. I know that the existence of banks and the circulation of bank paper are so identified with the habits of our people, that they cannot be abolished, even if this were desirable.

"Such a reform in the banking system as I have indicated would benefit every class of society; but, above all others, the man who makes his living by the sweat of his brow. The object at which I aimed by these reforms, was not a pure metallic currency, but a currency of a mixed character; the paper portion of it always convertible into gold and silver, and subject to as little fluctuation in amount as the regular business of the country would admit. Of all reforms, this is what the mechanic and the laboring man ought most to desire. It would produce steady prices and steady employment, and, under its influence, the country would march steadily on in its career of prosperity without sufferings from the ruinous expansions and contractions and explosions, which we have endured during the last twenty years. What is most essential to the prosperity of the mechanic and laboring man? Constant employment, steady and high wages, with uniform prices for the necessities and comforts of life which he must purchase, and payment for his labor in a sound currency."

After re-stating further his arguments, as presented in his original speech of January 22, Mr. Buchanan said, in reference to the reduction of the wages of laboring men:

"I contended that it would not injure, but greatly benefit, the laboring man, to prevent the violent and ruinous expansions and contractions to which our currency was incident, and, by judicious bank reform, to place it on a settled basis. If this were done, what would be the consequence? That, if the laboring man could not receive as great a nominal amount

for his labor as he did 'in the days of extravagant expansion,' which must always, under our present system, be of short duration, he would be indemnified, and far more than indemnified, by the constant employment, the regular wages, and the uniform and more moderate prices of the necessaries and comforts of life, which a more stable currency would produce. Can this proposition be controverted? I think not. It is too plain for argument. Mark me, sir, I desire to produce this happy result, not by establishing a pure metallic currency, but 'by reducing the amount of your bank issues within reasonable and safe limits, and establishing a metallic basis for your paper circulation.' The idea plainly expressed is, that it is better, much better, for the laboring man, as well as for every other class of society, except the speculator, that the business of the country should be placed upon that fixed and permanent foundation, which would be laid by establishing such a bank reform as would render it certain that bank notes should be always convertible into gold and silver.

"And yet this plain and simple exposition of my views has been seized upon by those who desire to make political capital out of their perversion; and it has been represented far and wide, that it was my desire to reduce wages down to the prices received by the miserable serfs and laborers of European despotisms. I shall most cheerfully leave the public to decide between me and my traducers. The Senator from Massachusetts, after having attributed to me the intention of reducing the wages of labor to the hard-money standard, through the agency of the Independent Treasury bill, has added, as an appendix to his speech, a statement, made by the Senator from Maryland, (Mr. Merrick,) of the prices of labor in these hard-money despotisms; and it is thus left to be inferred that I am in favor of reducing the honest and independent laborer of this glorious and free country to the same degraded condition. The Senator ought to know that there is too much intelligence among the laboring classes in this highly favored land to be led astray by such representations."

Mr. Clay had charged that the friends of the Independent Treasury desired to reduce the wages of laboring men. As this is the charge which it is now sought to revive, we invite special attention to Mr. Buchanan's reply. It was as follows:

"We are also charged by the Senator from Kentucky with a desire to reduce the wages of the poor man's labor. We have been often termed agrarians on our side of the house. It is something new under the sun to hear the Senator and his friends attribute to us a desire to elevate the wealthy manufacturer at the expense of the laboring man and the mechanic. From my soul I respect the laboring man. Labor is the foundation of the wealth of every country; and the free laborers of the North deserve respect both for their probity and their intelligence. Heaven forbid that I should do them wrong! Of all the countries on the earth, we ought to have the most consideration for the laboring man. From the very nature of our institutions, the wheel of fortune is constantly revolving and producing such mutations in property, that the wealthy man of to-day may become the poor laborer of to-morrow. Truly wealth often takes to itself wings and flies away. A large fortune rarely

lasts beyond the third generation, even if it endure so long. We must all know instances of individuals obliged to labor for their daily bread, whose grandfathers were men of fortune. The regular process of society would almost seem to consist of the efforts of one class to dissipate the fortunes which they have inherited, whilst another class, by their industry and economy, are regularly rising to wealth. We have all, therefore, a common interest, as it is our common duty, to protect the rights of the laboring man; and if I believed for a moment that this bill would prove injurious to him, it should meet my unqualified opposition.

“Although this bill will not have as great an influence as I would desire, yet, as far as it goes, it will benefit the laboring man as much, and probably more than any other class of society. What is it he ought most to desire? Constant employment, regular wages, and uniform, reasonable prices for the necessaries and comforts of life which he requires. Now, sir, what has been his condition under our system of expansions and contractions? He has suffered more by them than any other class of society. The rate of his wages is fixed and known; and they are the last to rise with the increasing expansion, and the first to fall when the corresponding revolution occurs. He still continues to receive his dollar per day, whilst the price of every article which he consumes is rapidly rising. He is at length made to feel that, although he nominally earns as much, or even more than he did formerly, yet, from the increased price of all the necessaries of life, he cannot support his family. Hence he strikes for higher wages, and the uneasy and excited feelings which have at different periods existed among the laboring classes. But the expansion at length reaches the exploding point, and what does the laboring man now suffer? He is for a season thrown out of employment altogether. Our manufactures are suspended; our public works are stopped; our private enterprises of different kinds are abandoned; and, whilst others are able to weather the storm, he can scarcely procure the means of bare subsistence.”

The predictions of Mr. Buchanan have been wonderfully fulfilled. No reduction in wages has taken place, as a consequence of keeping the public money out of the banks, but a condition of things has succeeded to that great measure, which has assisted every branch of commerce and of labor.

It will appear that not one line, or syllable, in Mr. Buchanan's speech of January, 1840, or any other of his speeches, can be found to justify the allegation that he favored the reduction of wages. The whole false fabric falls to the ground.

In connection with this subject, we will here introduce an extract from the remarks of the Hon. C. J. FAULKNER, of Va., at the Ratification meeting held in Washington City :

I represent in Congress a district which abounds, perhaps, to a greater extent than any in Virginia, in laboring men—I mean men who live by

their own toil, and by the daily, weekly, or yearly wages of hard and honest labor. National workshops, machine-shops, and manufacturing establishments may be seen at short intervals, from the time you enter that district at Harper's Ferry, until you leave it, some thirty miles west of Cumberland. When on my way to Cincinnati, towards the close of last month, and when I passed the principal points where these establishments are located—Harper's Ferry, Martinsburg, and Piedmont—these noble sons of toil, these brawny, hard-fisted men of labor, crowded around the cars to express their most anxious wishes for the nomination of James Buchanan. "For God's sake, give us Buchanan," was the impassioned cry of many of them. I dwelt upon this fact upon more than one occasion in Cincinnati. For, I thought when the popular instinct was thus so firmly directed, and the popular heart thus vividly aroused, it would, indeed, have been a most rash and dangerous experiment to have disregarded it. I do not believe there is now living in this country a public man more deeply enthroned in the hearts of the laboring men, than James Buchanan. [Great applause.] It would be quite an entertaining sight to see one of those advocates of the bank rags of 1839 and 1840—one of those champions of a false, spurious, and irredeemable paper currency—seek to insult the intelligence of such men as these by the cry of "Ten-cent, Jommy." I see that some of our leading Democratic editors are gravely occupied in vindicating Mr. Buchanan from this "ten-cent and low-wages" calumny. It is all waste time. The great mass of the people understand that subject far better than the Know-Nothing editors who publish such stuff. I have not met with a laboring man of ordinary intelligence in my district, who does not understand the origin of this story about "low wages and ten cents," who cannot tell you how the lie was gotten up; what temporary purpose it was intended to serve; and how justly the whole affair deserves the scorn and contempt of every fair mind. They know that the very speech from which they pretend to derive this misrepresentation, is one of the noblest vindications of the rights and interests of the laboring man, and as such, it shall, as far as I am able, find its way into the hands of every artisan and mechanic in the country before November next. The laboring men of the country look upon the whole story as one that has passed into the sewer of forgotten calumnies, and not to be recollected, except as a scar received by Mr. Buchanan in his gigantic conflict with bank monopoly and bank corruption, or referred to as a memorial of those days when he stood up in the Senate house—and there were giants in those days—as the unflinching advocate of the interests of honest labor against the outside pressure of swindlers, shavers and speculators. [Immense cheering.]

#### MR. BUCHANAN AND THE NATIONAL ARMORIES.

A mechanic of the city of Baltimore, in a letter to the editor of the *Baltimore Argus*, of the 9th of July last, reproduces another evidence of Mr. Buchanan's attachment to the laboring classes. We copy as follows. The votes of Mr. Buchanan, as a member of the Senate, were consistently

given in support of the Civil, and for the overthrow of the Military system, as the records of that body abundantly prove.

In 1841, the supervision of National Armories was changed from civil to military, the result of which became so odious by the petty military orders, rules and regulations, from time to time issued by the commanding officer, that indignation meetings were held, and a committee appointed to proceed to Washington from the armory at Harper's Ferry, for the purpose of restoring the old civil system, which had been the government of the armory from its foundation by Gen. Washington. I was one of that committee, and we enlisted all the force in the Senate and House we could for the restoration of a civilian. I called upon and afterwards addressed the Hon. James Buchanan, of Pa., and received in reply the following letter:

SENATE CHAMBER, July 12, 1842.

Dear Sir:—The pressure of public business has prevented me from acknowledging the receipt of your letter at an earlier day. I cheerfully espouse your cause. I am clearly of opinion that the workmen at our armories ought to be placed under a civil, and not military superintendence; and I sincerely regret that a majority of the Senate have thought differently. In what manner the question may be decided by the House, I cannot anticipate, yet I fear the result.

Yours, sincerely,

JAMES BUCHANAN.

I trust, Mr. Editor, that my fellow-workmen will not be so silly as to believe that Mr. Buchanan, in any shape or manner, is opposed to our best interests. It is wrong, it is unjust to believe otherwise than that he is the friend of labor and its reward.

EIGHTEENTH WARD.

#### MORE EVIDENCE ON THE SUBJECT OF MR. BUCHANAN AND THE WAGES OF LABOR.

In looking over an old file of the *Army and Navy Chronicle*, says the *Boston Daily Times*, we came across the following letter, written by Mr. Buchanan, then a U. S. Senator from Pennsylvania, to the Hon. Mahlon Dickerson, then Secretary of the Navy. Although written nearly twenty years ago, it is another of the many evidences of the sympathy of James Buchanan for the laboring classes. We cannot find on record anything that would show Mr. Buchanan's want of feeling to the colored men, whom some of our rampant Black Republicans are wont to call "men and brethren;" nor can we find anything which would go to show that Mr. Buchanan, in his proverbial benevolence, gave preference to the negro over the men of his own color and blood. A constitutional democrat, and a friend of the Union, he looks upon the South as equal with the North, and he will sustain the rights of each under the Constitution. As a statesman, he regards this as a government of white men, and not a government of colored men. As a philosopher, he feels that the condition of the three millions of blacks in our Southern States, is incomparably better, in being well fed, well housed, well clothed, and well cared for, in every moral and physical detail, than any other three millions

of negroes that ever have existed, or now exist, in any part of the world. But read the letter of Mr. Buchanan, and the white laborers and mechanics of the North will perceive that his feelings are not intensified upon a race upon whom God has placed his mark, distinguishing them from a superior creation, created for a distinct purpose.

WASHINGTON, Dec. 26, 1837.

*My Dear Sir:*—Permit me to address you on a subject which has excited much feeling throughout the city and county of Philadelphia, and has enlisted my warmest sympathies.

Five hundred mechanics have been suddenly thrown out of employment in the Navy Yard in Philadelphia, at this inclement season of the year. Most of them depending on their daily labor for their daily bread, you can easily appreciate what must be their sufferings. Their large families (as a friend informs me) are in a most lamentable condition, and God only knows what will become of them unless government gives them employment.

Now, sir, allow me to remark, that nothing short of necessity ought to compel a paternal government to place such a body of mechanics, who have faithfully performed their duty, in such deplorable circumstances. I know that the feelings of your heart will respond to this sentiment. Why not, then, make an effort for their relief? They ask no favor, but to be permitted to give, in their labor, an equivalent for bread for themselves, their wives, and their children. I understand there is now a frigate at the Navy Yard, on which they might be employed.

Even if the department, under other circumstances, should deem it more advisable, for the present, to delay completion, still a mere question of a few months in point of time, becomes comparatively insignificant, when weighed in the balance against humanity and justice. Besides, unless the Navy Yard at Philadelphia is to be abandoned—which I trust is not contemplated by the department—it is of great importance to the government to prevent such a body of faithful and skilful mechanics from dispersing.

I therefore appeal to you, with confidence, to grant them employment—and I almost envy you the power of conferring blessings upon so many industrious and meritorious citizens, without doing injury to the Government.

I feel confident you will pardon me for requesting as early an answer to this communication as may be consistent with your convenience.

Yours, very respectfully,

JAMES BUCHANAN.

Hon. MAHLON DICKERSON, *Secretary of the Navy.*

### MR. BUCHANAN'S CHARACTER AT HOME.

It is said that no man is a prophet in his own country; but, after all, the good opinion of one's neighbors is a jewel above price. Mr. Buchanan has resided in the town of Lancaster forty odd years, man and boy. If he had been guilty of any offences against propriety, they would have appeared in that long time. He has had his share of political abuse; he has been a lawyer of great prominence; but throughout, no man has ever been found to question his integrity, or to insinuate a whisper against his reputation in public or private life. He has been a model of uprightness, quiet dignity and gentle deportment, scorning the arts of the demagogue, and discharging all his duties to his fellow-citizens conscientiously. Mr. Buchanan's fortune, which is not very large, has been the result of

hard study, persevering toil, and fair dealing in his profession. He has always given freely in works of charity, and has shown much public spirit. In his own family, his kindness, his gentleness, and his hospitality, are proverbial. The memoir written and published by the Democratic State Central Committee, makes the following allusion to Mr. Buchanan "at home."

At this day, after more than half a century's intercourse as man and boy with the people of his own immediate district, and with the people of Pennsylvania; after having figured prominently in the conflicts of parties; after having shared the confidence of successive Democratic administrations; after having contributed his energies to the overthrow of political heresies without number, he might leave his case to thousands and tens of thousands, who have at various times antagonized his opinions, but now, with the annals of his life before them, stand ready to pay their tribute to his consistency and to his integrity as a public man, by uniting with his political friends in placing him in the Presidential chair! What nobler monument could be raised in commemoration of any American patriot? What more significant refutation of all the accusations of heated party combatants? What more conclusive proof could be given to the nation at large, of the fitness and the merits of a statesman who, after such a lifetime, finds his endorsers in the hearts of the people among whom he has lived, and his warmest supporters among men who have for more than forty years stood in opposition to his opinions?

Let a stranger go to Lancaster now, and he will be surprised to find that hundreds of the leading Whigs of that old county are enrolled among the supporters of James Buchanan—are his active friends, and deem it a pleasing duty, a duty to their State and their country, to support their distinguished fellow-citizen. The old Germans, whom he has defended at the bar, come forward to give their suffrages to the honest and conscientious lawyer; and hundreds whom he served during his Congressional career, are eager to render him their support. The young men are enthusiastically at his side; and the public press, with a single infamous exception, has been glad to bear voluntary testimony to his virtues, his abilities and his deservings.

Two or three instances of Mr. Buchanan's benevolence may as well appear in this connection:

{From the Pittsburg Post.}

### BUCHANAN AND PITTSBURG.

On the 10th of April, 1845, a large portion of Pittsburg was laid in ashes by the great fire. There was no telegraph to Pittsburg in those days, and the news of our calamity could only reach Washington by the

14th of April. Mr. Buchanan was then Secretary of State. On that day the following document left Washington for Pittsburg, addressed by Mr. Buchanan to Wm J. Howard, then mayor of our city. Comment is unnecessary, even to those maligners who would represent Mr. Buchanan as cold and selfish:

3500.]

WASHINGTON, April 14, 1845.

Cashier of the Bank of Metropolis: Pay to the order of W. J. Howard, mayor of the city of Pittsburg, for the use of the sufferers by the late fire, five hundred dollars.

JAMES BUCHANAN.

*Dear Sir:*—Will you please to accept and apply the above towards the relief of the sufferers in the late dreadful calamity. My feelings of sympathy and compassion have never been so strongly excited upon any similar occasion. But let the people be of good cheer, and exert their accustomed energy, and, under the blessings of Providence, all will yet be well, and Pittsburg will arise more glorious than ever from its ashes.

JAMES BUCHANAN.

W. J. HOWARD, Esq.

### WHAT HIS NEIGHBORS SAY OF HIM.

It is no matter of trifling consideration and importance that those who know a man best should eulogise him most. More especially is praise to be valued when it is extorted from a political opponent. The Lancaster (Pennsylvania) *Express*, a Know-Nothing Republican paper, published in the immediate neighborhood of Mr. Buchanan's residence, is compelled to bear testimony to his unbending integrity and blameless life. After a few introductory remarks, the editor proceeds, and says:

"We know the man as one of our most respected fellow-citizens; a gentleman of unblemished personal integrity and unusually agreeable manners in his social intercourse with all classes. We know him as the friend of the poor, as a perpetual benefactor of the poor widows of this city, who, when the piercing blasts of each successive winter brought shrieks of cold, and hunger, and want, in the frail tenements of poverty, could apply to the 'Buchanan Relief Donation' for their annual supply of wood, and sitting down with their orphaned children in the cheerful warmth of a blazing fire, lift their hearts in silent gratitude to God, and teach their little ones to bless the name of James Buchanan. As a citizen, a neighbor, a friend, in a word, as simply James Buchanan, we yield to no man in the measure of our respect and esteem; and were he still before us as *simply* James Buchanan, as he was a few years, and he and we occupied the same broad Jeffersonian republican platform, when at least one of the editors of this paper voted with him year after year the same Democratic ticket, then ours would be the more pleasing duty of supporting instead of opposing the election of our esteemed

fellow-citizen and neighbor to the highest office in the gift of the American people, and the highest position of political distinction in the world."

### A STRIKING TRAIT IN MR. BUCHANAN'S CHARACTER.

In his long intercourse with public men, why is it that Mr. Buchanan, whom his opponents now call "a cold-hearted man," can point to such an army of enthusiastic and devoted friends? He has them not only at home, but in every State in the Union. He finds them not merely in the higher walks of public life, but in every class and station of society. While a member of the House of Representatives and of the Senate, a period something over twenty years, he made friends who adhered to him through life, many of whom are still living. While in the Cabinet of President Polk, he was a favorite of his associates, without exception. He can recall, with pleasure, his companionship with Lewis F. Linn, of Missouri, and with Ambrose H. Sevier, of Arkansas, gallant spirits, now gathered to their fathers. He was the friend of Levi Woodbury, the companion of Wm. R. King, of Roane, of Silas Wright, of John C. Calhoun, of Felix Grundy, and of all that sterling race of men who adorned the era in which he was an actor. At the present moment Bancroft, the historian, William L. Marey, Robert J. Walker, Nathan Clifford, Isaac Toucey, John Y. Mason, and Oave Johnson, his associates during the memorable administration of Mr. Polk, are all advocating his election, and nearly all ardently preferred him before all others as a candidate for the Presidency.

It cannot be a cold-hearted man who can retain such men at his side through so many years. It proves fidelity to his friends, truth in his dealings with them, and a readiness at all times to respond to a generous action.

The following is from the pen of a very distinguished old line Whig in Philadelphia:

### MR. BUCHANAN AND THE OSTEND MANIFESTO.

The self-styled neutral press—of that class who are loud in vaunting their perfect independence of politics—of which the "*Evening Bulletin*" is a malignant type, are busy and constant in their efforts to misrepresent the purport of this celebrated paper. I am a Whig—a Whig of the Clay, Webster and Sergeant school. I was a Whig when what is now Black Republicanism was fanatical abolitionism—resisted as ably and strenuously by our great leaders as it was by the Democratic party. I am a Whig still, and think I stand on the same platform with reference to the only issues before the country that Clay and Webster stood. They were opposed to *Sectionalism*, to abolitionism—so am I. And were they alive, I doubt not they would cast their vote

as I intend to vote in November next—for James Buchanan. I shall vote for him, because he is the only candidate who represents fully the principle with reference to the slavery question, that I think vital to the safety of the country, and the permanence of the union of the States; because he represents the only party that is national in its character, and has positive and governing strength in every section of the confederacy, North, South, East and West. I shall vote for him because the platform of the party which has nominated him, proposes to remove the Slavery agitation from the halls of Congress entirely, where it has always been, and always will be, a cause of discord and strife, and to let the people of the Territories or States decide for themselves the character of their domestic institutions. I shall vote for him, because he is a statesman of enlarged experience, conservative in his character, and who, apart from the impregnable position occupied by himself and his party on the Slavery question, upon which the Union depends, is eminently qualified to conduct the affairs, both foreign and domestic, of Government, with honor in these difficult times. I shall vote for him, because I think his position with reference to Cuba, as laid down in the "Ostend Manifesto," eminently wise and sound, and if understood properly, will meet with a hearty response from every true American citizen. It is fortunate for Mr. Buchanan that his real position on the Cuban question is susceptible of an elucidation so clear and certain, that no apology for misconstruction or misrepresentation can exist. The "Ostend Manifesto" itself furnishes a triumphant answer to the charge so flippantly made, "that Mr. Buchanan does not hesitate to say that we must have Cuba at all risks. If Spain refuses to sell, then take it (Cuba) by force!" I undertake to prove from the paper itself, that no such doctrine or sentiments are entertained or found in it. The argument of the Ostend paper is clear, concise, and to the point—that we should not acquire Cuba *without the consent of Spain, UNLESS JUSTIFIED BY THE GREAT LAW OF SELF-PRESERVATION.*

The Ostend document holds this language:

"It must be clear to every reflecting mind that, from the peculiarity of its geographical position and the considerations attendant on it, Cuba is as necessary to the North American republic as any of its present members, and that it belongs naturally to that great family of States of which the Union is the providential nursery.

"From its locality it commands the mouth of the Mississippi, and the immense and annually increasing trade, which must seek this avenue to the ocean.

"On the numerous navigable streams, measuring an aggregate course of some thirty thousand miles, which disembogue themselves through this magnificent river into the Gulf of Mexico, the increase of the population, within the last ten years, amounts to more than that of the entire Union at the time Louisiana was annexed to it.

"The natural and main outlet to the products of this entire population, the highway of their direct intercourse with the Atlantic and the Pacific States, can never be secure, but must ever be endangered, whilst Cuba is a dependency of a distant power, in whose possession it has proved to be a source of constant annoyance and embarrassment to their interests.

"Indeed, the Union can never enjoy repose, nor possess reliable security, as long as Cuba is not embraced within its boundaries.

"After we shall have offered Spain a price for Cuba far beyond its present value, and this shall have been refused, it will then be time to consider the question: Does Cuba in the possession of Spain seriously endanger our internal peace and the existence of our cherished Union?

"Should this question be answered in the affirmative, then by every law human and divine, we shall be justified in wresting it from Spain, if we pos

rears the power—and this upon the very same principle that would justify an individual in tearing down the burning house of his neighbor, if there were no other means of preventing the flames from destroying his own home.

"Under such circumstances, we ought neither to count the cost nor regard the odds which Spain might enlist against us. We forbear to enter into the question whether the present condition of the island would justify such a measure.

"Our past history forbids that we should acquire the island of Cuba without the consent of Spain, *unless justified by the great law of self-preservation*. We must, in any event, preserve our own conscious rectitude and our own self-respect.

"But if Spain, deaf to the voice of her own interest, and actuated by stubborn pride and a false sense of honor, should refuse to sell Cuba to the United States, then the question will arise, what ought to be the course of the American government under such circumstances.

"Self-preservation is the first law of nature, with States as well as with individuals. All nations have at different periods acted upon this maxim. Although it has been made the pretext for committing flagrant injustice, as in the partition of Poland, and other similar cases which history records, yet the principle itself, though often abused, has always been recognised."

Mr. Buchanan's position is, that if Spain refuses to sell, then (not that our government shall take it by force) will be the time to consider the question: Does Cuba, in the possession of Spain, seriously endanger our internal peace and the existence of our cherished Union?

Let us be specific on this matter. Mr. Buchanan lays down the great law of self preservation as applicable to States as well as individuals. Will any one dispute the truth of that position? He says that, as important as Cuba is to our peace and prosperity, we should not think of acquiring it without the consent of Spain, *except in the last resort*, as a means of saving our own nation from ruin. Will any one venture to take issue with him on this position? He says that, before considering the question whether the acquisition of Cuba is essential for our preservation, we should offer to buy the island, and even to offer more than its value. Will anybody come forward to dispute this position? He says that if Spain refuses to sell at such price, it will then be time for our government to consider the momentous question whether Cuba is essential to our self-preservation; and if it shall be decided in the affirmative, then, to save ourselves from ruin, we should take Cuba at any cost or peril. Who can successfully gainsay this proposition? Who will say that "an individual would not be justified in tearing down the burning house of his neighbor, if that were the only means of saving his own home?"

I have no fears that the people, the sound conservative, right-thinking, right-minded people, will be misled by the misrepresentations of partizan zealots; in this age of steam-presses, no public man of the country has perhaps so little to fear from a dispassionate examination of his record—which can be found on almost every page of our history for the last thirty years.

Nominated by his party for the highest office in the world, without any seeking either by word or deed from him—thousands and thousands of his old political opponents are flocking to his standard, as the only means of saving the institutions of the country from civil discord and strife. His election in November next is certain.

The men and the papers now engaged in misrepresenting the Ostend Manifesto, and especially those who think it will arouse the animosity of Spain, should know that the manifesto, when received in Spain, so far from

being hurtful, was succeeded by a state of feeling among the Spanish statesmen, of the most satisfactory character. Its reasoning and conclusions are such as no upright man, especially no American, could then, or can now, conscientiously resist or refute.

### MR. CLAY SPEAKS—HEAR HIM!

We find in the *Lexington Observer and Reporter*, a letter copied from the *Kentucky Statesman*, which we publish with great satisfaction. It is from James B. Clay, a son of Henry Clay, the great American Statesman, whom all men delight to honor.

This letter is the best refutation that could be made of the stale slanders now attempted to be revived by a venal partisan press, relative to the unfounded charges against Mr. Buchanan—charges denied by Henry Clay himself, by his biographer, and now by the public generally. The high personal regard which these distinguished statesmen ever entertained for each other, also effectually disproves these malicious fabrications.

Mr. Clay, in announcing his determination to vote for Mr. Buchanan, assumes a position which is alike honorable to himself and the powerful party of which his honored father was the acknowledged leader.

[From the *Kentucky Statesman*.]

Mr. Editor:—I desire, through your courtesy, to correct a statement made in the *Statesman* of the 4th inst., which does great injustice to two of my friends, and political brothers, the Hon. Joshua V. Bell, of Boyle, and the Hon. William B. Kinkaid, of Kenton, and which moreover is untrue. The article to which I refer, states "that resolutions expressing the confidence of the Whigs of Kentucky in Mr. Fillmore, and saying he was worthy of their support as in 1848," were rejected by the votes of sixteen counties to one, in the State Convention held at Louisville, on the 2d inst., and that Mr. Bell and Kinkaid advocated them.

It is undeniably true that such resolutions were offered in the Convention by Col. Hopkins, of Henderson, and it is also true that they were laid upon the table by a vote of sixteen counties to one. But it is not true that either Mr. Bell or Mr. Kinkaid voted for them; on the contrary, both gentlemen opposed them, as I have reason to believe they would have done, resolutions to endorse any one but a true old line Whig for the office of President. It was, also, at the express desire and request of Mr. Kinkaid that Mr. Adams withdrew his motion, to the effect "that the Whigs of Kentucky have undiminished confidence in Millard Fillmore." It is, however, but candid to say, that every member of the Convention understood that Mr. Bell and Judge Kinkaid preferred Mr. Fillmore to either Mr. Buchanan or Mr. Fremont; neither of them made any attempt to do so gross and unjust a thing, as to commit an old line Whig Convention to the endorsement of anybody but a Whig.

There is also a statement copied into the *Observer and Reporter* of the 5th inst., "that I had been heard to say, that I was not for Buchanan." I may have said that Mr. Buchanan was not my candidate, or was not my choice for the Presidency; but I have not said that I should not vote for him. I prefer Mr. Fillmore personally, and if he stood on the same principles he did in 1850, I would vote for him in preference to any man I know. But I expect to cast my vote for that candidate who, in my opinion, may have the best chance to defeat the candidate of the Black Republican party; and, at present advised, I think Mr. Buchanan has the best chance to do so. I wish it, nevertheless, to be distinctly understood, that if I shall think it my duty to vote for Mr. Buchanan, I shall vote as an old line Whig, making a choice of what he believes to be evil, for the good of the country; and that whenever the Whig standard shall again be raised, adhering always to the principles which I have been instrumental in asserting at Lexington, and at Louisville on the 2d July, I shall be ready, fairly, honestly and fearlessly to battle against those principles and practices of the Democratic party which conflict with our own views.

I feel sure, Mr. Editor, that your readers will not do me the injustice to attribute to me too great a desire to force myself before their notice, in venturing to correct misrepresentations affecting my friends and myself, however well I may know the little importance that may be attached to any opinions of mine. I hope the *Observer and Reporter* will also do me the favor, as well as justice, to copy this letter. I am sir, respectfully, &c.,

Your obedient servant,

JAMES B. CLAY.

Ashland, July 8, 1856.

### WHERE ARE HENRY CLAY'S FAMILY AND FRIENDS?

All of Mr. Clay's immediate family, with a single exception, are in the same position as the gentleman above referred to, and some are openly out for Buchanan. The sons of the old Henry Clay leader, John Sergeant, of Philadelphia, are out for Buchanan, and in the Senate, Henry Clay Whigs, like Benjamin, of La., Pratt, of Md., Pearce, of Md., and J. C. Jones, of Tenn., have taken open ground in favor of Buchanan's election.

I am, Sir, very respectfully,  
Your obedient servant,  
**THAS J. BARKIN**  
Chairman, N. D. R. C.

DEAS. JAS. MILNER.  
CHURCH. SM. D. R. C.

The following is the speech which is made the foundation of the charge against Mr. Buchanan. It was made in the House of Representatives on the 21st January, 1846, and may be found in many of the newspapers of the Country.

WASH. 21 Aug. 1854.

JOHN C. RIVES,  
Publisher of the Congressional Globe.

INDEPENDENT TREASURY

## SPEECH

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HON. JAMES BUCHANAN,  
OF PENNSYLVANIA.

IN THE SENATE OF THE UNITED STATES, JANUARY 22, 1840, ON THE INDEPENDENT TREASURY BILL;  
IN REPLY TO MR. CLAY, OF KENTUCKY.

Mr. EDHMAN said: It is not my purpose, on the present occasion, to go very much at length into a discussion of the provisions of this bill. I intend, in a great degree, indeed almost exclusively, to ~~confine myself~~ <sup>confine myself</sup> to a reply, or at least to an attempt to reply, to the remarks of the Senator from Kentucky. **CLERK:**  
In all discussions, if we desire to arrive at a satisfactory conclusion, it is absolutely necessary that we should distinctly understand what is the question to be discussed. Then let me ask, what is the nature and character of the Independent Treasury bill now before the Senate?

Since the origin of the Government, our own responsible citizens have always collected the public revenue, and have always disbursed the public funds. Therefore, during the intermediate spaces of time, between the collection and the disbursement, it has been deposited with banking corporations. The object of this bill is to provide that our own responsible citizens shall be substituted as depositories, instead of these banking corporations; and that these citizens shall hereafter not only collect and disburse the public money as they have always done, but that they shall also have the custody of it between its collection and disbursement.

throughout the United States, and receives public money is constituted a depository. But there are certain places where no large sums of public money are collected, or are deposited, at all; and at these points, both the character of the currency and the public convenience required that there should be depositories for the public money. In the case of the collecting offices at New York, Boston, Philadelphia, New Orleans, and San Francisco, the bill proposes to convert the United States banks into depositories for the public money, and to require that the banks at New York, Boston, Philadelphia and San Francisco should receive the public money in the immediate time between its receipt in the Treasury and its disbursement, shall be instructed to use their own responsible officers, instead of irresponsible corporations.

In addition to these provisions the bill contains what has been commonly designated the specie clause. This section provides that one fourth of the dues of the Government shall be collected in gold and silver, after the 1st of June, 1846; one

Under the provisions of this bill, every officer

half after the 30th of June 1841; three fourths after the 30th of June, 1842; and after the 30th of June, 1843, all the revenue of the Government shall be collected, and all its disbursements shall be made in gold and silver coin.

Now, sir, when separated from the details necessary to carry these principles into execution, this is the bill, the whole bill, and nothing but the bill which has excited so much unnecessary alarm throughout the country.

In discussing this bill the Senator from Kentucky has divided his remarks into two general heads. He has first considered the bill according to what its friends say it is; and in the second place, has discussed it according to what he himself believes it to be. In my reply I shall invert this order, because it is necessary first to prove that the Senator himself has entirely mistaken the nature and effects of the measure, and that its friends entertain a just conception of its character.

The Senator held up the bill triumphantly to public view, and declared that it contained within its provisions a great Government treasury bank. Now, if I cannot make it manifest as the light of day that in this proposition he is entirely mistaken, I shall then agree to surrender the whole argument. The Senator has had an unsuccessful chase, through the provisions of this bill, after the lurking monster. Had he succeeded in dragging him into light I should have been one of the first men in the country to assist in putting him to instant death. But,

"He must have optics sharp, I ween,  
Who sees what is not to be seen."

This, I think, has been the case with the Senator from Kentucky.

Now, sir, what is a bank? According to the usual acceptance of the word, in our country, it performs three offices. It receives deposits, it loans money upon discounts, and it issues a paper currency. I acknowledge that, in order to constitute a bank, it is not necessary that it should perform all these three functions. There are banks of discount and deposit merely, and there are also banks of deposit and issue only; and this latter class of banks are the most secure of any in the world, when the deposits are confined to the precious metals, and the issues, in the form of certificates, do not exceed the sums actually deposited. Such was the bank of Amsterdam, and such is now the bank of Hamburg. It would be difficult to form an idea of a bank of issue alone, without deposits or discounts, although I know, from the utter inability of the Bank of England to regulate the paper currency of that kingdom, the question has been seriously considered whether one bank of issue ought to be established, and whether all other banks ought not to be prohibited from emitting paper currency. It is certain that, at the present moment, a bank of issue, purely as a bank of issue, does not exist on the face of the earth. Now, sir, this bill does not authorize the public depositaries to receive money from individuals on deposit; and it not only does not authorize them to loan the public money entrusted to their care, but it makes such an act a felony, punishable by fine and imprisonment. This bill, then, clearly does not create a bank either of deposit or of discount, and the Senator has not contended for any such proposition. He has confined himself to prove that it will create a bank of issue; and I shall examine this proposition a little more in detail.

And, in the first place, if there be a bank lurking in the bill, then we have had a Treasury bank in full operation ever since the origin of the Government, without having the least idea of its existence until the Senator from Kentucky made the discovery. There has been no period of time, since General Washington was first inaugurated in 1789, until the present day, when the Treasurer of the United States did not draw his warrants, either on banks or receiving officers in favor of disbursing officers or creditors of the Government. Without this power the Treasury Department could not exist. Debts could not be paid to individuals, neither could the public revenue be applied to accomplish the objects contemplated by the Constitution. There is no other conceivable mode of conducting this branch of the public business. The bill makes no change whatever in this ancient and necessary practice, except to impose an important limitation upon it, which has never heretofore existed; and yet, according to the Senator from Kentucky, it creates a bank of issue; and the drafts drawn by the Treasurer on the public depositaries in favor of public creditors and disbursing officers, are to be the paper currency which it will throw into circulation. This is the sum and substance of his whole argument on this point. He might with the same reason contend, that, if an individual in extensive business had deposits in several banks, and was in the habit of paying his debts and advancing money to his agents by drawing drafts upon these banks, that, therefore, he himself had established a bank of issue. The cases are precisely analogous.

In what part of this bill has the Senator discovered the charter of his bank? He has referred to one, and only one clause, for the purpose of proving its existence. This is to be found in the tenth section of the bill, and, as it is very brief, I shall read it to the Senate. It is as follows:

"And for the purpose of payments on the public account, it shall be lawful for the Treasurer of the United States to draw upon any of the said depositaries, as he may think most conducive to the public interest, or to the convenience of the public creditors, or both."

There, sir, is the charter; and what is it but a mere recognition of the power which I have just been describing, and which has existed, and must necessarily have existed, ever since the origin of the Government. It requires the Treasurer of the United States to consult both the public interest and the convenience of the public creditor; or both, in selecting the depositary on which to draw his warrant. This he has always done. In the first place he must select a depositary with whom there is an amount of money sufficient to meet the draft; and among such depositaries he must, unless the public interest forbids, draw upon that one where it will be most convenient for the public creditor to receive his money. Why, sir, this clause, so terrific to the imagination of the gentleman, might be stricken from the bill altogether, without producing the slightest inconvenience. The practice which it prescribes, is that which must necessarily be pursued in paying the debts of the Government. And yet this simple and necessary power, is the only part of the bill on which the Senator relies to establish his great Treasury bank!

But I said that this bill contained an important limitation which had never heretofore existed. This was introduced at the special session of 1837, upon my own suggestion. It was then appro-

handed that the holders of these Treasury warrants might not present them for payment within a reasonable time; and that a large amount of them might remain outstanding, and be used as bills of exchange. As these outstanding drafts would necessarily represent an equal amount of gold and silver in the hands of the depositaries, it was apprehended that, unless they were speedily presented for payment, a mass of them might continue floating in the community, and thus produce an accumulation of specie in the hands of the depositaries which might prove injurious to the banks. To prevent this evil—to render the draft upon the banks for specie as light as possible—and to cause the gold and silver to flow out of the Treasury into general circulation, as rapidly as it had flowed into it, this amendment was adopted. It now constitutes the twenty-third section of the bill, and is as follows:

"Sec. 23. And be it further enacted, That it shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts for payment at the place where payable, and to prescribe the time, according to the different distances of the depositories from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper. But in all these regulations and directions, it shall be the duty of the Secretary of the Treasury to guard, as far as may be, against these drafts being used, or thrown into circulation, as a paper currency or medium of exchange."

One might have supposed, from the extreme horror of the gentleman lest this bill might contain a Treasury bank, that he would have been delighted with the provisions of this section. Not so. On the contrary, he has declared, in the most solemn manner, that it confers a tremendous power on the Secretary of the Treasury, to which no people, jealous of their liberties, ought to submit. The Senator turned round to please. He first denounces, in the strongest terms, the tenth section of the bill, because the Treasury drafts issued under its authority will, in his opinion, become the circulating medium of his Treasury bank; and almost at the very next breath, he denounces, in terms equally strong, the very section which renders it impossible that they ever can become such a circulating medium.

And what is this tremendous power vested in the Secretary of the Treasury by the twenty-third section? Independently of postmasters, there are perhaps a hundred and fifty receivers of public money in the United States. These are scattered from Maine to Georgia, and from the Atlantic to the far West. Some of them are at the distance of fifty miles, and others are a thousand miles from Washington. From the nature and necessity of the case, the discretionary power is conferred upon the Secretary to regulate the "speedy presentation" of these drafts, according to the different distances of the depositories from the seat of Government; but even this is to be done in such a manner as to prevent them from being thrown into circulation as a paper currency or medium of exchange. And yet this is the tremendous power so much to be dreaded! No other provisions could have been made. It would have been a work of endless and unnecessary labor to have attempted to enumerate each of the depositories in the bill, and to have prescribed the time within which drafts on each of these should be presented for

payment. This is a mere matter of detail which must be yielded to the discretion of the Secretary.

And now what, in plain English, is this Government bank? It is no other than the power which has always been exercised by the Treasurer of the United States, to pay the public creditors, and to advance money to the disbursing officers by means of drafts on the public depositories; with a new restriction, however, imposed upon the holders of these drafts, requiring their speedy presentation, for the express purpose of preventing the possibility of their ever becoming a circulating medium. Any man who can distinguish between a hawk and a handsaw, can discriminate between this simple provision and a great Government Treasury bank.

The Senator, feeling that he has no foundation on which to erect his Treasury bank in the bill as it is, has taxed his fancy—a never-failing resource—to alarm our fears as to what it will become hereafter. He leaves the present far behind and looks forward to the future. He predicts that in less than three years necessity will compel us to change the Independent Treasury into a bank of issue. Having given his fancy the reins, he tells us how this will be performed. The Secretary of the Treasury, instead of giving single drafts on the depositories for the amount due to public creditors, and the sums to be advanced to disbursing officers, is to have drafts prepared upon bank paper, in the likeness of bank notes, of the denomination of twenty, of fifty, and of a hundred dollars. These drafts he is to pay out like bank paper. The restriction is to be repealed requiring their speedy presentation to the depositories. They are to become the general circulating medium of the country. In less than ten years the receivers general are to have between forty and fifty millions of gold and silver in their vaults, to be represented by the same amount of Treasury drafts in circulation and in the possession of the banks. The Government then calculating that the demand upon these depositories will not require them to keep this amount of specie on hand, will draw it out clandestinely for their own purposes, as was formerly done from the Bank of Amsterdam; and that some future President will, by means of this stolen money, subvert the Government and destroy the liberties of the people.

Now, sir, is not this the merest fancy picture that was ever sketched? It is all the offspring of the Senator's own prolific imagination. It is all prophecy, and no fact. Even by his own showing, there is no foundation for it in the bill. On the contrary, every precaution has been used to prevent the possibility of any such occurrences.

And what reason has he to predict that the friends of this measure will change all their principles and purposes in less than three years, and by new legislation convert the Independent Treasury into a government bank? Has not every Senator perceived the holy horror with which my friend from Missouri [Mr. BENTON] was inspired at the bare idea that the Government might ever issue "notes, bills, or paper" receivable in payment of the public dues? His lynx-eyed jealousy seized hold of these general expressions in the 19th and 20th sections of the bill, and although there was nothing on the face of the earth on which these words could operate, unless possibly on some straggling Treasury note which might remain unredeemed long after it became payable, yet he had them stricken from the bill. "He snuffed the

printed drafts" from afar; and although there was no present danger, yet he saw a possibility that these words might have a meaning hereafter; and that in future years the Government might be willing to issue "notes, bills, or paper," and therefore we all united with him in voting for his amendment. This was, in the phrase of the lawyers, the exclusion of any conclusion which might by possibility be drawn from these general words in favor of Government paper.

But again; did not the Senator from Kentucky perceive with what alacrity the friends of the bill supported the amendment of his colleague, [Mr. CURRIE,] imposing it upon the Secretary of the Treasury as a solemn duty, to take care, in his regulations for the speedy presentation of Government drafts to the depositaries, that these drafts, as far as may be, shall never be used as a paper currency or medium of exchange?

Suppose it were possible that the Secretary of the Treasury, without authority, and in the very face of the provisions of this bill, and the known and avowed opinion of its friends, should, as the Senator supposes he might, circulate these Government drafts in the form of bank paper, and of the denomination of twenty, fifty, and a hundred dollars; what do you think would be the consequence? He would instantly be deprived of his office for this daring violation of law, and would be justly held up to public execration. In justice to that officer, I ought to say that I am not one of those who consider it possible that he could ever dream of pursuing such a course; without the express authority of Congress; and I may venture to predict, with unerring certainty, that such an authority will never be conferred upon him by the present party in power. But even if he should thus violate his duty, whilst the twenty-third section of this bill shall remain in force, these drafts never could become a general circulating medium; and, therefore, there could never be, as the Senator supposes, an accumulation of forty-five or fifty millions of dollars in the hands of the depositaries. But even if this miracle should be accomplished, and a future President should attempt to embezzle this money, for the purpose of subverting the Government, there would still be one most unpleasant obstacle in his way. He would then, under the provisions, of this bill, be guilty of felony, and would be transferred from the White House to the penitentiary. The truth is that, "these hydras, gorgons, and chimeras dire," exist only in the Senator's imagination.

The Senator, in a triumphant tone, exclaimed that, by the passage of the bill, the union of the purse with the sword will be consummated in the hands of the President. This, if true, would indeed be fearful. It would be the death-knell of civil liberty in this country. Wheresoever the power over the purse and the sword is united in the hands of one man, there the Government is despotic. If any Executive Magistrate, be he King, or be he President, possess the sole power to declare war, to raise armies, to impose taxes, and to expend the public money at his pleasure, there must be an end of civil liberty in that country. This, and this alone, is what I understand to be a union of the sword and the purse. But under our Constitution and laws the President neither has, nor ever can have, the power over either. Can he declare war? No, sir; the Con-

stitution expressly confers this power upon Congress. Can he enlist soldiers? No, sir; he could not raise a single company to go to Florida, because Congress alone have the power to raise and support armies. Can he impose taxes upon the people, or borrow money? No, sir; Congress is exclusively vested with the power of laying taxes and borrowing money. But after this money shall have reached the Treasury, can he apply a dollar of it to any use, public or private? No, sir; no money can be drawn from the Treasury but in consequence of appropriations made by Congress. Nay, more; if the President were so far to forget the duties of his high station, as to enter into a collusion with any of the depositaries, and draw one dollar of public money out of their possession, he would, like any other citizen, subject himself to fine and imprisonment. And this is the union of the purse and the sword, which the Senator has so feelingly described! This phrase, I thought, had had its day, and had passed into oblivion; but the Senator has again conjured up the specter, for the purpose of alarming our fears.

The Senator tells us that he has been warring in vain for the last seven years against the extension of executive power and influence. Now, sir, if he had informed us that he had been warring against the Executive, but in favor of an increase of executive power and influence, in my humble opinion he would have come much nearer the mark. It is, perhaps, the strangest spectacle which has ever been presented on the face of the earth, that in this war between the Executive and the Senator's political party, he has been endeavoring to deprive himself of power, whilst they have been struggling to prevent him from making this self-sacrifice.

Let me remind the Senator of a few instances; and first, in regard to internal improvements. I happened to be a member of the other House during the administration of Mr. Adams. I do not intend now to cast any censure upon that Administration: I speak merely of historical facts. In those days, by virtue of an act of Congress, the President exercised the discretionary power of making as many surveys for internal improvements as he thought proper, all of which, it was hoped by those interested, would, at some future day, be constructed by the General Government. Splendid projects of such improvements were presented to dazzle the fancy, and excite the cupidity, of almost every man in the country. Our engineers were constantly traversing the Union from east to west, and from north to south; and before they were arrested in their career, the estimated cost of completing the improvements which they had surveyed or projected, if my memory serves me, amounted to more than one hundred millions of dollars. Here was a vast field for executive influence and power. The fat jobs which might have been bestowed on favorites; the actual expenditure of immense sums of money, and the alluring hope presented by the mere survey of any railroad, turnpike road, or canal, in which masses of people felt an interest; all, all contributed to swell the tide of executive influence. Now, sir, was there ever a lure more tempting to executive ambition than this power of pouring out the public treasure to benefit, and, in their estimation, to bless a large proportion of the people of this country? - What

the conduct of the old Roman in regard to this question? For the good of his country, he exercised all this power and all this patronage. His veto of the Maysville road bill arrested the whole system; and, strange as it may seem, a portion of the gentlemen's seven years' war against the Executive, consisted in denouncing this voluntary surrender of executive power and influence, as ruinous to the best interest of the country.

Again: the very bill now before the Senate, against which the gentleman has been warring, is one of the strongest proofs which the present Chief Magistrate could give, that he is willing to abandon a large portion of executive influence. In 1837, there were between eighty and ninety Government deposit banks, scattered over every State in the Union. What an immense political power might have been exercised by the President, through the agency of these banks! We know, from letters read at the called session, that they were not very scrupulous, "where thrift would follow fawning." Affiliated as they were, if the President had been disposed to exert an improper influence over them, they might have been used with prodigious effect to accomplish his purposes. The selection of these depositaries, the amount of the public money which they should receive, how long they should retain it, and in what manner they should conduct their business—all, all was left to executive discretion. What a boundless field for executive influence is that which the present President now desires to abandon! And yet the Senator, both at the called session, and the session succeeding it, warred in favor of compelling him to retain in his hands this unbounded source of political patronage and power. He preferred then, and, such is his detestation for the present bill, would, I presume, even now prefer the deposit-bank system to the Independent Treasury.

Can any man, in sober earnest, compare the influence which the Executive will acquire, under this bill, by the appointment of four receivers general of public money with that over this affiliated league of State banks, which he now desires to abandon? Think ye, sir, that if any of the leading officers of Government, or any of the favored minions of executive power, had desired a loan from one of these banks, that he would have asked in vain? Under the Independent Treasury bill, such favors can never be extended without subjecting both the officer granting them, and the recipient, to punishment in the penitentiary.

The Senator complains that the power of removal from office should exist in the President, and says that he is not at all satisfied with the argument in the first Congress on which it was rested. This power has been exercised, without interruption, ever since 1789. It is not, then, a recent usurpation. The first Congress of the United States which ever assembled, by their construction of the Constitution, solemnly declared that the power of removal was vested in the President; and many of the members of this Congress had themselves been members of the Federal Convention! Since the gentleman addressed the Senate, I have examined the debate, and particularly Mr. Madison's remarks upon this subject, and I think they ought to prove satisfactory to every mind. He sketches the argument in favor of the power, with a master's hand.

How could the President execute the laws at all, if this power did not exist? Suppose he should discover that one of the receivers general created by this very bill was applying the public money to his own use—if he were deprived of the power of removing him from office, he might be obliged to look patiently on and suffer him to embezzle millions. Suppose a foreign minister were violating his instructions, and betraying the best interests of his country abroad—what is to be done? Without the exercise of this power, the President would be compelled to wait until the mischief might be entirely consummated—until the country might be ruined—before he could recall this corrupt or wicked minister. I might present a hundred similar instances. This power is essential to the performance of the duty imposed upon the President of seeing that the laws are faithfully executed. Without it he would be deprived of the necessary means of executing this high trust reposed in him by the Constitution. It is, therefore, wonderful how the existence of this power could ever have been seriously contested.

If this power of removal did not exist in the President, it would follow as a necessary consequence that the Senate must remain in permanent session for the purpose of sanctioning removals from office, as they might become necessary, throughout this vast and growing country. The public interest imperiously demands that some power should always exist competent instantly to remove all officers the moment they are discovered to be betraying their trust. But, the Constitution never contemplated that the Senate should be in session permanently. Heaven forbid that this should ever be the case! After having been in the political atmosphere of Washington for six months, it is necessary that we should go home to mingle with our constituents, and to breathe the pure air of the country. The American people never will consent, and never ought to consent, that our sessions shall become permanent.

Having now replied to all the arguments adduced by the Senator under his second general head; and having, I think, demonstrated that the bill contains no Government Treasury bank, I shall proceed to reply to those which he urged under the first general head. It will be recollected that this was to consider the bill according to the construction placed upon it by its friends, which, I have endeavored to prove, is the true construction.

Before I address myself directly to the Senator's argument, allow me to indulge in some general observations.

What has been the financial history of this country for the last twenty-five years? I can speak with positive knowledge upon this subject during the period of eighteen years since I first came into public life. It has been a history of constant vibration—of extravagant expansions in the business of the country, succeeded by ruinous contractions. At successive intervals many of the best and most enterprising men of the country have been crushed. They have fallen victims at the shrine of the insatiate and insatiable spirit of extravagant banking and speculation. Starting at the extreme point of depression of one of these periods, we find that the country has been glutted with foreign merchandise, and it requires all our efforts to pay the debt thus contracted to

foreign nations. At this crisis the banks can do nothing to relieve the people. In order to preserve their own existence, they are compelled to contract their loans and their issues. In the hour of distress, when their assistance is most needed, they can do nothing for their votaries. Every article sinks in price, men are unable to pay their debts, and wide-spread ruin pervades the land. During the first year of the cycle, we are able to import but comparatively little foreign merchandise, and this affords the country an opportunity of recruiting its exhausted energies. The next year the patient begins to recover. Domestic manufactures flourish in proportion as foreign goods become scarce. The industry and enterprise of our citizens have been exerted with energy, and our productions have liquidated the foreign debt. The third year, a fair business is done. The country presents a flourishing appearance. The banks, relieved from the drains of specie required for foreign export, begin once more to expand, and tempt the unwary to their ruin. Property of all descriptions commands a fair price. The fourth or the fifth year the era of extravagant banking and speculation returns again to be succeeded by another ruinous revolution.

This was the history of the country up till 1837. Since then we have traveled the road to ruin much more rapidly than in former years. Before that period it had required from three to six years to get up an expansion and its corresponding explosion. We have now witnessed the astounding fact that we can pass through all these changes, and even from one suspension of specie payments to another, in little more than two years.

It is curious to observe with how much accuracy you can read the ever changing condition of this country in the varied amount of our importations. The year 1836 was one of vast expansion, and produced the explosion and suspension of specie payments in 1837. The imports were greatly diminished in 1837, being less than they had been in 1836, by nearly \$50,000,000. In 1838, they had sunk down to \$27,000,000 less than they had been in 1837, and nearly \$77,000,000 less than they were in 1836. In 1839, we had another expansion, and our imports were \$44,000,000 greater than they had been in 1838. This expansion preceded the explosion and suspension of specie payments in the month of October last. Thus we have become such skilful architects of ruin, that a single year was sufficient to prepare the late explosion.

There never has existed a nation on earth, except our own, that could endure such rapid and violent expansions and contractions. It is the buoyancy of youth; it is the energies of our population; it is the spirit which never quails before difficulties, which enables us to endure such shocks without utter ruin. Yes, sir, a difference in the amount of our imports between the years 1836 and 1838, of \$77,000,000, is sufficient to excite the astonishment of the world.

What causes operated chiefly to produce this speedy recurrence of the second explosion and the second suspension of specie payments? Three may be mentioned. In the first place, after the bank suspension of 1837, every person who was friendly to well-regulated banks, if such a thing be possible under the present system, ardently

desired that the different State Legislatures might impose upon them some wholesome restrictions. It was expected that they would be compelled to keep a certain amount of specie in their vaults in proportion to their circulation and deposits; that the foundation of a specie basis for our paper currency should be laid by prohibiting the circulation of bank notes at the first under the denomination of ten, and afterwards under that of twenty dollars; that the amount of their dividends should be limited; and, above all, that upon the occurrence of another suspension, their doors should be closed at once, and their affairs be placed in the hands of commissioners. The different Legislatures met. Much indignation was expressed at the conduct of the banks. They were severely threatened; but at last they proved too powerful for the people. Indeed, it would almost seem as if most of the State Legislatures had met for no other purpose than to legalize the previous suspension of specie payments. No efficient restrictions were imposed; and the banks were thus taught that they might thereafter go unpunished—unwhipped of justice. Past impunity prevented them from reducing their business and curtailing their profits in such a manner as to render them secure in the day of trial. They have fallen again; I fear again to enjoy the same impunity.

In the second place, the immense amount of money loaned to many of the States in England, a large portion of which was brought home in the form of foreign merchandise, afforded great facilities for over-trading, or, rather, over-buying.

And in the third place, the conduct of the Bank of the United States greatly tended to produce these excessive importations. That institution became the broker for the sale of all State bonds in Europe. It endeavored to monopolize the entire cotton trade of the country; and it drew bills of exchange on England most freely at moderate rates, against the proceeds of these bonds and of its cotton. Every temptation was thus presented to speculations in foreign merchandise.

These three causes combining have occasioned a second suspension of specie payments within two years after the first, and produced that bloated credit system, from the wreck of which our country is now deeply suffering.

I most heartily concur with the Senator from Kentucky in one of his positions. We certainly produce too little and import too much. Our expanded credit system is the great cause of this calamity. Confine it within safe and reasonable bounds, and this disastrous effect will no longer be produced. It is not in the power of Congress to do much towards a consummation so desirable. Still we shall do all we can; and the present bill will exercise some influence in restraining the banks from making extravagant loans and emitting extravagant issues.

What effect has this bloated system of credit produced upon the morals of the country? In the large commercial cities it has converted almost all men of business into gamblers. Where is there now to be found the old-fashioned importing merchant, whose word was as good as his bond, and who was content to grow rich, as our fathers did, by the successive and regular profits of many years of patient industry? Such men were the glory and pride of commerce, and elevated the character of their country both at home and abroad. I ask, where are they? Is not the race

not extinct? All now desire to grow rich daily. Each takes his chance in the lottery of speculation. Although there may be a hundred chances to one against him, each, eagerly intent upon the golden prize, overlooks the intervening risks and quicksands between him and it, and when he fondly thinks he is about to clutch it, tumbles into bankruptcy and ruin. Such has been the fate of thousands of our most enterprising citizens.

If the speculator should prove successful, and win the golden prize, no matter by what means he may have acquired his wealth, this clothes him with honor and glory. Money, money, money, confers the highest distinction in society. The republican simplicity and virtue of a Macon would be subjects of ridicule in Wall street or Court street. The highest talents, directed by the purest patriotism, moral worth, literary and professional fame, in short, every quality which ought to confer distinction in society, sink into insignificance when compared with wealth. Money is equivalent to a title of nobility in our larger commercial cities. This is the effect of our credit system.

We have widely departed from the economical habits and simple virtues of our forefathers. These are the only sure foundations upon which our republican institutions can rest. The desire to make an ostentatious display of rapidly acquired wealth, has produced a splendor and boundless expense unknown in former times. There is now more extravagance in our large commercial cities, than exists in any portion of the world which I have ever seen, except among the wealthy nobility of England. Thank Heaven, this extravagance has but partially reached the mountains and valleys of the interior. The people there, so far as their potential voice can be heard, are determined to put an end to this bloated credit system, which threatens to involve not only their private fortunes, but their political liberties in ruin.

After the revulsion in 1837—after the banks had blown up, and left the Government without a dollar, the President found it necessary to convene Congress. It then became indispensable to take a new departure. The course which ought to be pursued was the question. The banks had betrayed our trust; they had converted our money into rags, by a species of alchemy the very reverse of that which was attempted in former times, of converting baser things into gold. The President then recommended an absolute divorce between bank and State, and his political friends in Congress cordially responded to this recommendation. We then gave our banner to the breeze, with the motto of an Independent Treasury inscribed upon it. Have we not firmly and immovably maintained our position? Had we been the cormorants after office which our enemies have described us to be, we should have yielded our convictions, when we found one State after another abandoning our standard. Neither the love of power nor of place made us falter. We did not yield to the panic of the moment. We have ever since kept this issue distinctly before the people, honestly believing that a separation of the Government from banks was necessary to promote the best and dearest interests of the country. In the opinion of our political opponents, we stood self-immolated. But the people have at length gloriously come to the rescue. The Senator is en-

tirely mistaken in supposing this bill to be unpopular. In every instance, during the elections of the last year, when the question of an Independent Treasury was distinctly made before the people, the result has been either the election of the Administration candidates, or a greatly increased number of votes in their favor. Is it not certain, that if the congressional elections in those States which elected their members in 1838, had been postponed until 1839, we should now be in a triumphant majority in the other House? The Whig party know this; and I am greatly mistaken in the signs of the times, if they have not determined that this bill shall pass. They will no longer give us the battle cry of an Independent Treasury. The bill is destined to become a law during the present session. I prophesy this result, and prophesy it solely upon my opinion of the sagacity of the Whig party. It is possible I may be mistaken, but if I should, I shall have one consolation in my disappointment. If my political existence depended upon the result, I should rather have the success of the Independent Treasury identified with the reelection of Mr. Van Buren, than any other argument which can be used in his favor. It alone would be sufficient to defeat the hero of Tippecanoe.

Now, sir, great changes have taken place in public opinion since September, 1837. The prominent arguments then urged upon this floor against the Independent Treasury bill have nearly all vanished away. We now hear no more of a system of well-regulated specie-paying State banks to act as Government depositories. The half-way house has been abandoned. The accommodations there are no longer good. It is in a ruinous condition, and can no longer shelter those who formerly took refuge in it. The banks have blown up twice within little more than two years, and thus blown this argument of their friends sky-high. No statesman, after our recent experience, would now think of placing the people's treasure with the banks on general deposit for safe-keeping.

Far different is the independent Treasury. It presents every guarantee which can be afforded for the safety and security of the public money. It will be in the custody of officers appointed by the Government, responsible to the Government, and punishable as felons for every violation of their trust. In the day of danger, when the country is involved in war, the money will always be ready; and at such a crisis, the banks would almost certainly suspend specie payments. Besides they are mere State institutions, over which we have no control; and they may, when they please, convert our money into rags, and then place us at defiance. They are beyond the reach of punishment under our authority. The Federal Government cannot justly be considered independent if we must resort to State banks, or to any other power except our own, for the purpose of keeping the money raised from the people by taxation until it can be applied to execute the great powers conferred upon us by the Constitution.

Again: public opinion has annihilated another argument against the Independent Treasury. The Senator from South Carolina [Mr. Pickens] in March, 1838, in his tenderness towards the State banks, and for the purpose of enabling them to resume specie payments, proposed that we should,

for a limited period, receive their irredeemable paper in the payment of dues to the Government. Such eloquence was also formerly wasted upon the extreme cruelty of having one currency for the Government and another for the people. Thank God! we hear no more of all this. No person now contends that, under any circumstances, the Government ought to receive depreciated bank paper. Such fantasies have proved too light for earth. They have risen to the moon, where it is said the crude notions of speculative politicians are still floating about, and have a local habitation and a name.

The Senator charges us with having employed the State banks as depositories, and having commended their conduct in the highest terms. This was a grievous sin, and grievously have we answered it. The difference between him and us is this: that after they had shown themselves to be utterly unworthy of our confidence, we abandoned them; but at that moment he clasped them to his bosom. Admitting that there has been inconsistency on both sides, the state of the fact is this: we adopted the State banks; they betrayed us, and we cast them off forever. The Opposition denounced this system in the beginning, and prophesied that it would prove a failure; but at the very moment when their prediction was verified, they embraced these castaways themselves with all the ardor of lovers. These banks, as depositories of the public money, are now repudiated by all parties. Their day has passed, and we shall hear little more of them in connection with this subject.

All men are wise after the fact, but, to look back, it has often occurred to me as wonderful how we could ever have confided in the State banks as safe general depositories of the public treasure. Our system of banking is the very worst, and the most irresponsible that has ever existed on the face of the earth. The charters of these banks nowhere impose any efficient restraints upon the first instinct of their nature, which is to make as much money for their stockholders as possible. They will, therefore, always expand their credits and their issues in the day of delusive prosperity, without regarding the approaching storm. The immense deposits of the Government increased this fatal tendency; whilst the public money was freely loaned, and its security placed at hazard, for the benefit of their stockholders, but for the ruin of the country. The wonder, perhaps, ought rather to be that they held out so long, than that they should have finally exploded.

In 1838, the immense amount of these deposits had stimulated them almost to madness. The expansion was then great beyond all former example. Speculation reigned throughout the land. The suspicions of the country were aroused against the Government, and the banks were charged with granting peculiar favors to men high in office, and to influential partisans of the Administration. They were denominated "the pet banks." Such was the general sense of the insecurity of the public money, in their possession, and such the jealousy which existed among the people, in consequence of their connection with the Government, that I verily believe the present Chief Magistrate would never have been elected, had it not been for the passage of the deposit bill. The adoption of this measure was a choice of evils; but it was a much less evil than to have left nearly \$40,000,000

of the public money in possession of the banks. Under the Independent Treasury system, we shall never again be placed in such a fearful dilemma.

I was very much astonished that he had not homily from the Senator against the specie clause of the bill. Even this seems to have lost much of its terrors. It is no longer the terrific monster which was to devour all the banks and establish a pure metallic currency for all the transactions of all the people of the United States.

There could be no Independent Treasury without this clause. If you were to receive bank notes in payment of the public dues, and retain them in your possession, you would, in this manner, encourage the banks as much to make extravagant expansions, as though you placed the same amount with them on general deposit. Besides, you would thus confer a dangerous power upon the Secretary of the Treasury, enabling him to favor some banks and to ruin others; and even if this power should not be abused, suspicion would always surround its exercise. You must separate from the banks in every particular. Evils, both to them and to the country, will follow from the least connection with them. Besides, if you receive bank notes at all, to the extent of the amount which you hold on hand, you incur the very same risk of having them converted into irredeemable paper by an explosion of the banks, as if they held them on general deposit.

The Senator commenced his speech by presenting us the most gloomy picture of national distress. He predicted that this distress would continue to increase during the present year, and that it would affect all classes of the community. The suffering, he thinks, will be peculiarly severe during the approaching summer. I might say to him,

"Thy wish was father, Harry, to the thought."

I do not believe, however, he would desire that the people should suffer in order to accomplish any political purpose. But if, without contributing to this result himself, it should be the will of the powers above to involve us in pecuniary distress between this time and the presidential election, he would doubtless bear the dispensation with Christian fortitude. It would furnish political capital for his friends, and might contribute greatly to verify his prediction, that General Harrison will take possession of the White House on the 4th of March, 1841.

In my opinion, the Senator has greatly exaggerated the extent of the existing distress. That all classes of the community have suffered in some degree is certain; but intense suffering has been chiefly confined to the large commercial cities, and those portions of the Union, such as the State of Mississippi, where the banks have so evidently ruined the people as to place all doubt of the cause at defiance. Where is there the country under the sun on which a bountiful Providence has poured out more blessings than on Mississippi? No population on the globe, in proportion to their number, produces a larger amount of wealth from the cultivation of the soil. And yet the bounty of Providence has been counteracted by her miserable banking system, and her people are now subjected to intense suffering. In this instance the effect flows so palpably from the cause, that every man sees and feels and knows it. What an astonishing fact was that stated by the Senator from Mississippi, [Mr. Walker] that in those

calamities of his State where banks do not exist, there is no suffering even at the present moment! If you wanted an illustration of the pernicious effects of the banking system, when it tempts farmers and planters to abandon their own proper business and embark on the ocean of wild speculation, you could not have one more striking than that presented by Mississippi at the present moment. I am not aware that there is much individual distress among the mass of the people in the interior of Pennsylvania. There it is chiefly confined to those who have been tempted, in the day of prosperity, to go beyond their means by the facility of obtaining bank accommodations.

But if I read the signs of the times aright, the crisis has passed, or rather is gradually passing away. We cannot return to a state of prosperity before the presidential election; but the condition of individuals, generally, will not be one of intense suffering. The resources of this vast country are so great, and the productive classes are so industrious, that with two years of fair play, they can produce as much wealth as the speculators have been able to squander in one. There will be no great suffering during the next summer, unless it may be in our large commercial cities.

After presenting in glowing colors the distress of the country, the Senator asks, what measure of relief have we proposed? I might ask him, in return, where he will find any clause in the Constitution conferring power upon Congress to regulate the banking and credit system of the respective States, and thus strike at the root of our calamities and embarrassments? The present Administration have not had the slightest agency in creating the existing distress, and can do but little to arrest it, or prevent its recurrence. This is a duty which devolves upon the States. Still we have proposed a measure which we believe will produce this effect to a limited extent. Our chief objects in adopting the Independent Treasury, are to disconnect the Government from all banks, to secure the people's money from the wreck of the banking system, and to have it always ready to promote the prosperity of the country in peace, and defend it in war. Incidentally, however, it will do some good in checking the extravagant spirit of speculation, which is the bane of the country.

In the first place, by requiring specie in all receipts and expenditures of the Government you will create an additional demand for gold and silver to the amount of five millions of dollars per annum, according to the estimate of the President. A large portion of this sum will be drawn from the banks, and this will compel them to keep more specie in their vaults in proportion to their circulation and deposits, and to bank less. This, so far as it may go, will strike at the root of the existing evil. I fear, however, that it will prove to be but a very inadequate restraint upon excessive banking.

In the second place, this bill will, in some degree, diminish our imports, especially after June, 1842. I most heartily concur with the Senator in desiring this result. What is the condition of the importing business at the present moment? It is almost exclusively in the hands of British agents, who sell all the manufactures they can dispose of in other portions of the world, and then bring the residuum here to glut our markets. According to our existing laws they receive a credit from the Government for the amount of

its duties. They sell the goods for cash; and this credit becomes so much capital in their hands to enable them to make fresh importations. The Independent Treasury bill requires that all duties shall be paid in gold and silver; and after June, 1842, the compromise law will take away the credits altogether. We shall then have a system of cash duties in operation, which will contribute much to reduce the amount of our importations, and to encourage domestic manufactures.

In the third place, this bill will make the banking interest the greatest economists in the country, so far as the Government is concerned. Their nerve of self-interest will be touched in favor of economy, and this will induce them to unite with the people in reducing the revenue and expenditures of the Government to the lowest standard consistently with the public good. They will hereafter abhor a surplus revenue, as much as they delighted in it formerly, when they used it for banking purposes. Any surplus which may exist in future will be locked up in gold and silver in the vaults of our depositaries; and, in proportion to its amount, will deprive the banks of so much of their specie. They will, therefore, become the partisans of reducing the revenue to the actual and necessary expenditures of the Government, so that the specie may flow out of the Sub-Treasuries with a rapidity corresponding with its influx. Nothing but a large surplus can seriously injure the banks. This was demonstrated to me by one of the most distinguished financiers which our country has ever produced, not himself, I believe, friendly to the Independent Treasury. These Treasury drafts, in the natural course of business, will find their way either into the banks at the very points where our depositaries are situated, or into the hands of individuals there having duties to pay to the Government. Take, for example, New York. A public creditor receives such a draft on the receiver general in payment of his debt. Will he carry it to New York, receive payment, and transport the specie from that city? Such instances will be rare. He will generally deposit it to his credit in the bank with which he transacts his business, wherever that may be. This bank, if not in New York, will transmit it for collection to one of the banks there; and thus these banks will draw the specie from our depositary as rapidly as it is drawn from them for the payment of the public dues. Thus the equilibrium will be preserved, so long as the Government is without a large surplus. In other instances, these drafts will be sought after and procured by individuals having duties to pay, and they will be presented to the receivers general, and accepted by them instead of gold and silver.

I now come to another, and the most important portion of the gentleman's argument. If the President had taken the Senator from Kentucky under his umbrella, and wrapped his India rubber cloak around him, and made him his Palinurus to steer the ship of State—

Mr. CLAY said this was not a possible case.

Mr. BUCHANAN replied, that all things are possible, and wonders will never cease. I admit that such an event is not very probable; but should it ever occur, true as the needle to the pole, the Senator would steer direct for a national bank. This is the Senator's sovereign panacea for regulating the currency of the country and restraining the extravagance of the State banks. I admit

But the true issue now before the country is between an Independent Treasury and a national bank. "The Pet Bank" deposit system has been such an utter failure that another resort to it cannot be seriously contemplated by any considerable portion of the American people. I feel the utmost confidence in the success of the Independent Treasury, should the law be ably and efficiently executed; but should it fail, the next experiment will doubtless be another bank of the United States.

Waiving, at present, the constitutional question on which I have often expressed my opinion before the Senate, I propose to take up the Senator's argument, and prove that such a bank would not regulate the currency if it could; and that even if it felt the will to do so, it would be entirely destitute of the power.

Would such a bank, then, if it could, control and regulate the loans and issues of the State banks? In the affairs of human life, if you expect one agent to restrain another, you ought to render their interests conflicting. This proposition is emphatically true, when such agents are banking corporations, intent upon declaring the largest possible dividends among their stockholders. Now a bank of the United States, so far from feeling any interest adverse to the State banks, would have the very same inducements with them to make extravagant loans and issues. The duty of such a bank, as a regulator of the currency, would be directly at war with its interest as a banking institution. You cannot raise men above the selfish passions of their nature, by making them directors and stockholders in a bank of the United States. When their interest as bankers conflicts with their duty as regulators of the currency, the history of mankind points you to the probable result. Like the State banks, they will always extend their loans and their issues, whenever they can do so, without endangering their own security. This is the powerful instinct of self-interest. It is absurd, then, to expect that the president and directors of a bank of the United States will ever become safe and efficient regulators of the currency, in the very face of their own interest as stockholders. It would be easy for me to prove, from historical facts, that neither the former nor the present Bank of the United States ever did exercise a regular and efficient control over the issues of the State institutions. On the contrary, whenever their interest impelled them to extend their own issues, they have pursued this course; and thus, instead of checking, they have given loose reins to the State banks. Both the Bank of the United States and these banks have thus together rushed on, and with united forces have ministered to that spirit of overtrading and extravagant speculation which has so often desolated our country. Time will not permit me to do more than refer to the vast expansions of this bank in 1817 and 1818, in 1823, in 1831, and 1834. These produced ruinous contractions and universal distress. I think I may affirm, with perfect safety, that at each of these periods, instead of restraining the State banks, it took the lead. Has it ever preserved the State banking institutions in a sound condition? Let Mr. Gallatin answer this question. He says that one hundred and sixty-five of our banks broke between 1811 and 1830; and during the greater part of this period we all know that the present Bank of the United States was in active existence.

My great object, however, at this moment, is to prove, from the present condition of the Bank of the United States, how hopeless it is to expect that any similar institution can ever be relied upon as a regulator of the currency. That bank still exists, if its present condition may be called existence; and this is the first occasion on which I have ever known the Senator to be guilty of ungratefully abandoning an old friend in the hour of calamity. Before I take my seat, I shall endeavor to identify the gentleman and his party with this institution. "They were lovely in life, and in death they shall not be divided."

It is said that the Bank of the United States is now but a mere State institution. But is its character changed by changing the source whence it derives its charter? Is it not still the same institution that it ever has been, with the same capital, the same directors, the same stockholders, and, until very recently, has it not been governed by the same controlling will? Has it not been exultingly proclaimed by its former president, that it now has a much better charter from Pennsylvania than that which it had received from Congress? This is strictly the truth; for such a charter as that under which it now exists was never before granted to any banking corporation, either in England or this country. The United States, it is true, ceased to be a stockholder; but it enjoyed the privilege of selling their seven millions of stock, for which it could have procured, and doubtless did procure, a large advance.

From the very nature of things, this vast monopoly, with a capital of \$35,000,000, could not have become a State Institution. A single State, with more than a sufficient number of State banks already in existence, could not have furnished employment for its immense capital. It would have starved within such narrow limits.

Did it, in point of fact, confine its operations to Pennsylvania? No sir; it aspired to regulate the currency and exchanges of the whole Union. This was the high political duty to the performance of which it proclaimed itself destined. To tell me that this bank all at once changed its character and became a mere State institution, simply because it had received a charter from the Legislature of Pennsylvania, is to deny the evidence of our own senses. Was not the currency issued under the new charter, as well as that under the old, declared, in 1836, to be the best currency which the world had ever seen? Did not the new notes command the same premium, all over the Union, with the old ones; and would they not still continue to command the same premium if it had not fallen—fallen from its high estate?

Why, sir, it became, in fact, more a Bank of the United States, after it received its Pennsylvania charter than it had ever been before. It bought up State banks and converted them into branches, in Louisiana and in Georgia; and it shot out its branch agencies over the whole Union. In New York it has established a branch bank, under their free banking law.

Since its new charter, not content with the whole United States, as the theater of its operations, it has established an agency in England, and aspired "to beard the lion in his den," and to become the rival of the Bank of England in London itself. It scorned to confine itself to banking operations alone; but has invaded the

of the merchant, and has attempted to monopolize and regulate the whole of our trade with Europe and this country. And yet this bank is now said to be a mere Pennsylvania institution!

Now, sir, how has it succeeded in the task which it imposed upon itself—of regulating the bank issues, and the foreign and domestic exchanges of the Union? In little more than a year after its charter from Congress had expired, whilst in all respects it was under the same government, and continued to pursue the very same course of policy that it had done before, it became insolvent, and suspended specie payments with less than one million and a half of gold and silver in its vaults, or less than one dollar for twenty-three of its capital, to meet all its immense liabilities. Their amount at the time I do not recollect at present, nor have I the means of ascertaining it in my possession.

Now, sir, I would ask the Senator, is there the least reason to believe that if this bank had continued to be the depository of the public revenue until May, 1837, that its fate would have been averted, or that we should not then have had a general suspension of specie payments? Why, sir, the public deposits would only have added fuel to the flame; and would have tempted the bank to engage in still wider speculations. The overbanking and overtrading of 1836, which were conducted under its auspices, would have become still greater—the expansion would have been still more extravagant—the bloated credit system which enabled us in that year to import foreign merchandise to the value of nearly \$190,000,000, might have raised our imports up to \$250,000,000; and the catastrophe which followed would have been still more dreadful.

In order to repair its fallen fortunes, true to the law of its nature, this bank has since proceeded from one extravagance to another, until it is now almost a heap of ruins. Instead of controlling and regulating the other banks of the country, it has notoriously been the chief—nay, almost the only cause—of the existing suspension of specie payments. The glory of which its friends now boast is, that it has been able to borrow £800,000 sterling, at an extravagant rate of interest, from private bankers in England, to save it from immediate bankruptcy and ruin. Alas! how are the mighty fallen!

And it is by the creation of another such institution that the Senator seeks to regulate the currency, and control the bank issues of the country! Why, this is faith against fact; speculation against experience. This would be, to adopt as our grand regulator, an institution precisely similar to that which has been the great author of our worst bank expansions, and our bloated credit system; and which has fallen under the weight of its own extravagance. With all the experience which the people of the United States have had upon this subject, it will be long, I trust, very long, before they return to a bank of the United States.

But I proposed to prove that, even if a bank of the United States had the disposition to restrain the loans and issues of the State banks, it would not possess the power. I suppose a case for the sake of the argument, which can scarcely ever exist, because, as a regulator of the currency, it would have a duty to perform directly at war with the interest of its stockholders.

The only mode by which it has been thought

that this object could be accomplished, was for the Bank of the United States, confining its own business within safe and proper limits, to receive the notes of the State banks on deposit and in payment, and to call upon them at short periods to pay the balances in specie. But, in the nature of things, it would be impossible for such a bank to receive the notes, and restrain the overissues of more than a very few of the eight hundred banks which are now scattered over this country. Each of these banks has its own limited sphere of circulation, and they are not compelled to receive the paper of each other. In point of fact, this is not generally done; nor could any bank of the United States be required to receive all the notes which these eight hundred paper manufactories are constantly pouring out upon the public. From the law which regulates currency, that which is the worst, has always the most extensive circulation. Individuals will always hold fast by the gold and silver, and pass away the bank notes; and of these notes, they will pay out the doubtful, and preserve those which are above suspicion. No bank of the United States, however great its capital, and extended its powers, could ever reach the evil. It could never transact business with one bank in ten, I might say in twenty, of the whole number.

But it is in vain to speculate upon this subject. Experience is the best teacher. One fact is worth one hundred arguments. Independently of the adverse experience of our own country, the experiment has been tried by the Bank of England under the most auspicious circumstances, and it has utterly failed.

The real capital of the Bank of England is about \$70,000,000, and it has ten branches at the most commercial and manufacturing points of the kingdom. In 1836 the rate of foreign exchange was, largely against England. The specie of the bank was, therefore, gradually drawn from its vaults for exportation. It became necessary, for its own salvation, that it should make a vigorous effort to diminish the amount of the circulating paper medium, and thereby restore the equilibrium of the foreign exchange. The bank credits and currency of England had become so inflated, and, in consequence, the prices of all articles had advanced to such a standard, that, to use the language of one of their own statesmen, it had become the best country to sell in, and the worst country to buy in, throughout the world. It was profitable, therefore, to import every foreign production which could be admitted to entry, and on account of the high paper prices of their domestic productions their exports were greatly diminished. The consequence was a continued and ruinous drain of specie from the Bank of England to adjust the balance of the trade against that country. The bank well knew that, if it could limit the amount of the paper circulation, it would reduce the prices of their home productions in the same proportion, and thus render it profitable for foreign merchants to export British manufactures instead of specie. For this purpose it contracted its loans and issues, in the vain hope that the joint-stock and private banks would be compelled to follow its example. In our slang, it put the screws upon them. What was the result? I shall not enter upon a detail of particulars. It is sufficient to say, that, as it contracted, the other banks of the kingdom expanded their loans and their issues; and that, too, in a greater proportion than its loans and issues.

were diminished. Prices still continued to rise, and bullion still continued to be drawn out of the bank for exportation. The utter impotency of this grand regulator of the currency to control the other banks and keep the paper currency of the kingdom within such limits as to arrest the exportation of gold and silver, has thus been so clearly demonstrated, that many of the ablest British statesmen despair of accomplishing the object in any other manner than by restricting the issues of paper money to a single bank, and regulating their amount by the agency of the Government. Here, then, is an important fact incontestably established. If this be true—and there can be no question of its truth—I would ask the Senator how a national bank, even with a capital of \$50,000,000, could regulate and restrain within proper limits, the loans and issues of eight hundred State banks, scattered over the whole extent of this vast country? The thing is impossible. It could not be accomplished by such a bank.

And what is the condition of the Bank of England at the present moment? According to the testimony of Mr. Horsley Palmer, its President, given before the secret committee of the House of Commons, previous to its re-charter in 1833, the principle on which it had proceeded in regulating its issues, was to keep as much coin and bullion in its coffers as amounted to a third part of its liabilities, including sums deposited, as well as notes in circulation. Experience had established the fact that this rule of one for three of circulation and deposits was the safe proportion. Its necessities have compelled it to depart widely from this rule of its own creation. Instead of being able to regulate the loans and issues of other banks, it has with difficulty been able to save itself. It has been going down and down, until, according to the last quarterly statement of its condition which I have seen, it had not one pound sterling in bullion for seven of its circulation and deposits. In this respect it is in a much worse condition than many of the banks in our own country. In order to save itself from utter ruin, British pride has humbled itself so much, that the Bank of England became a suppliant to that of France for a supply of bullion, which was graciously, though condescendingly, granted. This fact is the highest evidence it is possible to present of the advantages which a country, the basis of whose circulation is gold and silver, enjoys over another country whose paper currency is greatly expanded. The Bank of England will probably never see the day, under its present charter, when its bullion will again be equal to one third of its circulation and deposits. Indeed, one bad crop, in its present condition, would drain it of its gold and silver for the purpose of purchasing foreign grain, and compel it to suspend specie payments. Neither this bank, nor the Bank of the United States, can ever be relied upon as regulators of the loans and issues of the other banks of their respective countries.

The Senator from Kentucky would have "a well regulated Bank of the United States." He lays great emphasis upon the words "well regulated." Does he mean to insinuate that the present Bank of the United States, under its charter from Congress, was not the best regulated bank which the world ever saw? I had thought that, in his opinion, this bank was perfection itself. The truth, however, is, that any regulations which you can prescribe in the charter of such an institution,

will be disregarded, whenever a powerful interest dictates their violation. Like the strong man in the Scriptures, it will snap the chords by which it is bound, as if they were thread. It will calculate upon violating its charter with perfect impunity, because it well knows how unwilling Congress would be to inflict so much evil upon the country as would necessarily result from its sudden destruction. Once put such an institution into successful operation, and you can no longer regulate its motion by the restrictions of its charter. The present bank was ever a lawless institution, up until the day when it fraudulently seized upon the entire circulation of the old bank, illegal branch drafts and all, and compelled Congress to pass a law making it a penitentiary offense in its officers to reissue these "resurrection notes." Under its State charter, it has been true to its original character. Although it now has a charter such as no other banking institution ever had, it has already been guilty of several palpable violations of this charter, independent of having twice suspended specie payments. I shall not trouble the Senate with the enumeration of these violations. It is now at the mercy of the Legislature. It has pronounced its own doom under its own charter; and it now only remains for the Legislature or the Governor to carry this sentence into execution, through the agency of the judicial tribunals. Whether they shall enforce this forfeiture or not, is for them in their wisdom to determine, not me. I shall not, in this place, attempt to interfere with their high and responsible duties, although I should consider it the greatest of all bank reforms, if this bank could be blotted out of existence.

The Senator ridiculed the idea that the establishment of a new Bank of the United States could prove dangerous to civil liberty. Such a bank with a capital of from fifty to a hundred millions of dollars, with branches in every State of the Union, dirreting, by its expansions and contractions, when prices should rise, and when they should fall, would be a most tremendous instrument of irresponsible power. It would be a machine much more formidable than this Government, even if the Administration were as corrupt as the fancy of some gentlemen has painted it. There is a natural alliance between wealth and power. Mr. Randolph once said, "Male and female created he them." Combine the moneyed aristocracy of the country, through the agency of a National Bank, with the Administration, and their united power would create an influence which it would be almost impossible for the people to withstand. We should never again see these powers in hostile array against each other. In the days of General Jackson we witnessed the exception, not the rule. Give any President such a bank as I have described, and we shall, hereafter, have a most peaceful succession. With all the power of the Executive, combined with all the wealth of the country, he would be the most arrogant blockhead in the world if he were not able to elect himself, and to nominate his successor. All the forms of the Constitution might still remain. The people might still be deluded with the idea that they elected their President; but the animating spirit of our free institutions would be gone forever. A secret, but all-pervading, moneyed influence, would sap the foundations of liberty and render it an empty name.

The immense power of such an institution was manifested in the tremendous efforts which it

made against General Jackson. Had he not enjoyed more personal popularity in this country than any man who ever lived, these efforts would have proved irresistible. As it was, the conflict was of the most portentous character, and shook the Union to its center. Indeed the bank, at one time, would, in all human probability, have gained the victory, had the election of President chanced to occur at that period; and we should then have witnessed the appalling spectacle of the triumph of the bank over the rights and liberties of the people. The Constitution of the country and the democratic party would then have been prostrated together.

On Friday last, when I very unexpectedly addressed the Senate, I stated a principle of political economy which I shall now read from the book. It is this: "that if you double the amount of the necessary circulating medium in any country, you thereby double the nominal price of every article. If, when the circulating medium is fifty millions, an article should cost one dollar, it would cost two if, without any increase of the uses of a circulating medium, the quantity should be increased to one hundred millions." The same effect would be produced, whether the circulating medium were specie, or convertible bank paper mingled with specie. It is the increased quantity of the medium, not its character, which produces this effect. Of course I leave out of view irredeemable bank paper.

I do not pretend that, on questions of political economy, you can attain mathematical certainty. All you can accomplish is to approach it as near as possible. The principle which I have stated is sufficiently near the truth to answer my present purpose. From this principle, I drew an inference that the extravagant amount of our circulating medium, consisting, in a great degree, of the notes thrown out upon the community by eight hundred banks, was injurious to our domestic manufactures. In other words, that extravagant banking and domestic manufactures are directly hostile to each other.

I did not understand that the Senator from Massachusetts, [Mr. Davis,] contested the general proposition that an increase in the currency of any country, without any increase of the uses of a circulating medium, would, in the same proportion, enhance the price of all the productions of that country whose value was not regulated by a foreign demand. He could not have contested this principle. If he had, all history and all experience would have been arrayed against him.

The discovery of the mines of South America, and the consequent vast increase of the precious metals put into circulation in the form of money, have greatly enhanced the nominal prices of all property throughout the world. Indeed, it is now a matter of curious amusement, to contrast the low prices of all articles three centuries ago, with their present greatly advanced rates. The Bank of England recognizes, and constantly acts upon this principle, though often without success. When prices become so high, in consequence of a redundancy of paper currency and bank credits, that it is more profitable to export the precious metals from the kingdom than its manufactures, this bank constantly diminishes its loans, raises the rate of interest, and reduces its circulation, with the avowed object of reducing prices to such a standard as will render it more profitable to export merchandise than bullion. It is in this man-

ner that the Bank seeks to regulate the foreign exchanges.

But why need we resort to foreign nations for illustrations of the truth of this position when it has been brought home to the actual knowledge of every man within this country? Have we not all learned, by bitter experience, that when our periodical expansions commence, the price of all property begins to rise? It goes on increasing with the increasing expansion, until the bubble bursts; and then bank accommodations and bank issues are contracted, the amount of the currency is reduced, and prices fall to their former level. This is the history of our own country, and we all know it. A certain amount of currency is necessary to represent the entire exchangeable property of the country; and if this amount should be greatly increased, without a corresponding increase in the exchangeable productions of the country, the only consequence would be a great enhancement in nominal prices. I say nominal; because this increased price will not enable the man who receives it to purchase more real property or more of the necessities and luxuries of life than he could have done before.

Let me now recur to the proposition with which I commenced; and I repeat that I do not pretend to mathematical accuracy in the illustration which I shall present. The United States carry on a trade with Germany and France; the former a hard-money country, and the latter approaching it so nearly as to have no bank notes in circulation under the denomination of five hundred francs, or nearly one hundred dollars. On the contrary, the United States is emphatically a paper-money country, having eight hundred banks of issue; all of them emitting notes of a denomination as low as five dollars, and most of them one, two and three-dollar notes. For every dollar of gold and silver in the vaults of these banks, they issue three, four, five, and some of them as high as ten, and even fifteen dollars of paper. This produces a vast but ever-changing expansion of the currency; and a consequent increase of the prices of all articles, the value of which is not regulated by the foreign demand, above the prices of similar articles in Germany and France. At particular stages of our expansions, we might with justice apply the principle which I have stated to our trade with these countries, and assert that, from the great redundancy of our currency, articles are manufactured in France and Germany for one half of their actual cost in this country. Let me present an example. In Germany, where the currency is purely metallic, and the cost of every thing is reduced to a hard-money standard, a piece of broadcloth can be manufactured for fifty dollars; the manufacture of which, in our country, from the expansion of our paper currency, would cost one hundred dollars. What is the consequence? The foreign French or German manufacturer imports this cloth into our country, and sells it for one hundred dollars. Does not every person perceive that the redundancy of our currency is equal to a premium of one hundred per cent. in favor of the foreign manufacturer? No tariff of protection, unless it amounted to prohibition, could counteract this advantage in favor of foreign manufactures. I would to Heaven that I could rouse the attention of every manufacturer of the nation to this important subject.

The foreign manufacturer will not receive our

bank notes in payment. He will take nothing home except gold and silver, or bills of exchange, which are equivalent. He does not expend this money here, where he would be compelled to support his family, and to purchase his labor and materials at the same rate of prices which he receives for his manufactures. On the contrary, he goes home, purchases his labor, his wool, and all other articles which enter into his manufacture, at half their cost in this country; and again returns to inundate us with foreign woolsens, and to ruin our domestic manufactures. I might cite many other examples; but this, I trust, will be sufficient to draw public attention to the subject. This depreciation of our currency is, therefore, equivalent to a direct protection granted to the foreign over the domestic manufacturer. It is impossible that our manufacturer should be to sustain such an unequal competition.

Sir, I solemnly believe that if we could but reduce this inflated paper bubble to any thing like reasonable dimensions, New England would become the most prosperous manufacturing country that the sun ever shown upon. Why cannot we manufacture goods, and especially cotton goods, which will go into successful competition with British manufactures in foreign markets? Have we not the necessary capital? Have we not the industry? Have we not the machinery? And above all, are not our skill, energy, and enterprise, proverbial throughout the world? Land is also cheaper here than in any other country on the face of the earth. We possess every advantage which Providence can bestow upon us for the manufacture of cotton; but they are all counteracted by the folly of man. The raw material costs us less than it does the English, because this is an article, the price of which depends upon foreign markets, and is not regulated by our own inflated currency. We, therefore, save the freight of the cotton across the Atlantic, and that of the manufactured article on its return here. What is the reason that, with all these advantages, and with the protective duties, which our laws afford to the domestic manufacturer of cotton, we cannot obtain exclusive possession of the home market, and successfully contend for the markets of the world? It is simply because we manufacture at the nominal prices of our own inflated currency, and are compelled to sell at the real prices of other nations. Reduce our nominal to the real standard of prices throughout the world, and you cover our country with blessings and benefits. I wish to Heaven I could speak in a voice loud enough to be heard throughout New England; because, if the attention of the manufacturers could once be directed to the subject, their own intelligence and native sagacity would teach them how injuriously they are affected by our bloated banking and credit system, and would enable them to apply the proper corrective.

What is the reason that our manufacturers have been able to sustain any sort of competition, even in the home market, with those of British origin? It is because England herself is, to a great extent, a paper-money country, though, in this respect, not to be compared with our own. From this very cause prices in England are much higher than they are upon the continent. The expense of living is there double what it costs in France. Hence, all the English who desire to nurse their fortunes by living cheaply emigrate from their own country to France, or some other portion of

the continent. The comparative low prices of France and Germany have afforded such a stimulus to their manufactures that they are now rapidly extending themselves, and would obtain possession, in no small degree, even of the English home market, if it were not for their protecting duties. Whilst British manufactures are now languishing, those of the continent are springing into a healthy and vigorous existence. It was but the other day that I saw an extract from an English paper which stated that whilst the cutlery manufactured in Germany was equal in quality with the British, it was so reduced in price that the latter would have to abandon the manufacture altogether.

The Senator from Massachusetts, after all our experience, doubts whether our currency has been inflated beyond the proper degree; and to prove that it has not been, he says that the rates of exchange upon England have often been below par. This fact does not tend to prove that our paper currency is not inflated at home. Our foreign exchanges are regulated by the specie standard of the world, not by the amount of our bank issues at home; and whether they are above or below par depends upon whether we are the debtor or the creditor nation. We ought always to be, and would always be, the creditor nation, if it were not for our extravagant speculations in foreign merchandise, produced by the redundancy of our paper credits and circulation. Our immense exports of cotton ought always to produce a balance of trade in our favor; and yet this is rarely the case. There is generally a particular period, however, in the progress of each one of our expansions and contractions, when exchange is in our favor. This occurs after our cotton and other exports have paid the debt previously contracted to foreign nations, and before we have had the time and the ability to get fairly under way in a new career of extravagant importations. To say that this circumstance proves that our paper currency is not inflated is an argument which I cannot understand. It proves nothing but that Providence has provided us a resource in our real production of cotton, which enables us to repair the injuries which we suffer from our extravagant speculations. It does not touch my argument to show the pernicious influence which our expanded currency exerts on our domestic manufactures. If it were not for this cause exchanges would not only be occasionally, but always, in our favor; and the Bank of England could not exercise that controlling influence over our banking institutions of which the Senator from Kentucky so loudly complains. This influence is derived solely from the fact that we are almost always the debtor nation, as we must continue to be until our wild speculations shall be arrested.

In addition to the reason suggested why foreign exchange has sometimes been in our favor, notwithstanding our extravagant importations, I might add another which has operated with vast power during the last two or three years. This is the immense amount of money which several of the States have borrowed from England within that period. This money constituted a fund on which bills were drawn to a large amount, and consequently reduced the rate of exchange. The payment of the interest on this debt, particularly as we shall probably not soon increase the principal, will operate hereafter in a contrary direction, and will tend to raise, not reduce, the rate of our foreign exchanges.

But the Senator from Kentucky leaves no stone unturned. He says that the friends of the Independent Treasury desire to establish an exclusive metallic currency, as the medium of all dealings throughout the Union; and also, to reduce the wages of the poor man's labor so that the rich employer may be able to sell his manufactures at a lower price. Now, sir, I deny the correctness of both these propositions; and, in the first place, I, for one, am not in favor of establishing an exclusive metallic currency for the people of this country. I desire to see the banks greatly reduced in number; and would, if I could, confine their accommodations to such loans or discounts, for limited periods, to the commercial, manufacturing, and trading classes of the community, as the ordinary course of their business might render necessary. I never wish to see farmers and mechanics and professional men tempted, by the facility of obtaining bank loans for long periods, to abandon their own proper and useful and respectable spheres and rush into wild and extravagant speculation. I would, if I could, radically reform the present banking system, so as to confine it within such limits as to prevent future suspensions of specie payments; and without exception, I would instantly deprive each and every bank of its charter which should again suspend. Establish these or similar reforms, and give us a real specie basis for our paper circulation, by increasing the denomination of bank notes first to ten, and afterwards to twenty dollars, and I shall then be the friend, not the enemy of banks. I know that the existence of banks and the circulation of bank paper are so identified with the habits of our people, that they cannot be abolished, even if this were desirable. To reform, and not destroy, is my motto. To confine them to their appropriate business, and prevent them from ministering to the spirit of wild and reckless speculation, by extravagant loans and issues, is all which ought to be desired. But this I shall say. If experience should prove it to be impossible to enjoy the facilities which well regulated banks would afford, without, at the same time, continuing to suffer the evils which the wild excesses of the present banks have hitherto entailed upon the country, then I should consider it the lesser evil to abolish them altogether. If the State Legislatures shall now do their duty, I do not believe that it will ever become necessary to decide on such an alternative.

We are also charged by the Senator from Kentucky, with a desire to reduce the wages of the poor man's labor. We have often been termed Agrarians on our side of the House. It is something new under the sun, to hear the Senator and his friends attribute to us a desire to elevate the wealthy manufacturer, at the expense of the laboring man and the mechanic. From my soul, I respect the laboring man. Labor is the foundation of the wealth of every country; and the free laborers of the North deserve respect, both for their probity and their intelligence. Heaven forbid that I should do them wrong! Of all the countries on the earth, we ought to have the most consideration for the laboring man. From the very nature of our institutions, the wheel of fortune is constantly revolving and producing such mutations in property, that the wealthy man of to-day may become the poor laborer of to-morrow. Truly, wealth often takes to itself wings and flies away. A large fortune rarely lasts beyond the

third generation, even if it endure so long. We must all know instances of individuals obliged to labor for their daily bread, whose grandfathers, were men of fortune. The regular process of society would almost seem to consist of the efforts of one class to dissipate the fortunes which they have inherited, whilst another class, by their industry and economy, are regularly rising to wealth. We have all, therefore, a common interest, as it is our common duty, to protect the rights of the laboring man; and if I believed for a moment that this bill would prove injurious to him, it should meet my unqualified opposition.

Although this bill will not have as great an influence as I could desire, yet, as far as it goes, it will benefit the laboring man as much, and probably more than any other class of society. What is it he ought most to desire? Constant employment, regular wages, and uniform reasonable prices for the necessaries and comforts of life which he requires. Now, sir, what has been his condition under our system of expansions and contractions? He has suffered more by them than any other class of society. The rate of his wages is fixed and known; and they are the last to rise with the increasing expansion and the first to fall when the corresponding revulsion occurs. He still continues to receive his dollar per day, whilst the price of every article which he consumes is rapidly rising. He is at length made to feel that, although he nominally earns as much, or even more than he did formerly, yet, from the increased price of all the necessaries of life, he cannot support his family. Hence the strikes for higher wages, and the uneasy and excited feelings which have at different periods, existed among the laboring classes. But the expansion at length reaches the exploding point, and what does the laboring man now suffer? He is for a season thrown out of employment altogether. Our manufactures are suspended; our public works are stopped; our private enterprises of different kinds are abandoned; and, whilst others are able to weather the storm, he can scarcely procure the means of bare subsistence.

Again, sir, who, do you suppose, held the greater part of the worthless paper of the one hundred and sixty-five broken banks to which I have referred? Certainly it was not the keen and wary speculator, who snuffs danger from afar. If you were to make the search, you would find more broken bank notes in the cottages of the laboring poor than anywhere else. And these miserable slinplasters, where are they? After the revulsion of 1837, laborers were glad to obtain employment on any terms; and they often received it upon the express condition that they should accept this worthless trash in payment. Sir, an entire suppression of all bank notes of a lower denomination than the value of one week's wages of the laboring man, is absolutely necessary for his protection. He ought always to receive his wages in gold and silver. Of all men on the earth, the laborer is most interested in having a sound and stable currency.

All other circumstances being equal, I agree with the Senator from Kentucky that that country is most prosperous where labor commands the highest wages. I do not, however, mean by the terms "highest wages," the greatest nominal amount. During the Revolutionary war, one day's work commanded a hundred dollars of continental paper; but this would have scarcely pur-



# INFIDELITY AND ABOLITIONISM.

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## AN OPEN LETTER

TO THE FRIENDS OF

## RELIGION, MORALITY, AND THE AMERICAN UNION.

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No nation has ever long existed which did not repose, as upon a rock, upon the principles and teachings of the Holy Scriptures, as understood and practised by the civilized races of man. It is no less true, that never since the world began have these teachings and principles been so deeply fixed and so widely disseminated as since the erection of the American Republic. Hand-in-hand with the growth of our government, and the increase of our population, and our territory, the moral virtues have increased, and the followers of Bible faith have multiplied. Free institutions have secured perfect religious equality; the Union of the States has been the bond between different denominations; and the fountain of patriotism has so mingled the sacred memories of the labors of the sages of the past and the sufferings of the holy men who toiled with them, that it has become a common belief that Providence holds us in his most special keeping.

It is a rude contrast to this agreeable retrospect to say that the attempt now making to destroy the Union, and the sacred interests involved in its existence, is a serious attempt. It is more than this: it is a bold and flagrant attempt; a widely-extended conspiracy; a deeply-laid and profoundly-concerted plot. A few plain facts will show whether these assertions are reasonable or not.

JOHN C. FREMONT is the candidate for the Presidency of conjoined fanaticisms, one of which assails all true religion, and the other of which assails the Union of the States. They go together in a body; they cannot be separated. We assert and defy contradiction, that every organization boasting infidel doctrines is now an organization in favor of Fremont; and we assert also, that all those desiring a dissolution of the Union are openly co-operating with these organizations. The best way to prove this is to show what the leaders of these united factions have repeatedly announced to the world. We ask the close attention

of our readers to the following authentic declarations of the leading friends of John C. Fremont:—

The American Tract Society, an organization of immense usefulness, is assailed with great violence by the Abolitionists, because it will not unite in this disunion, infidel movement. We could multiply extracts to prove this statement, but the religious public is well aware of it. One authority is sufficient to show how infidels and disunionists unite. We copy from a Fremont Abolition organ, the New York Standard, April 19, 1856, a paper of great circulation. An influential religious journal, the Christian Messenger, having said with great truth, that "Infidelity strikes at the root of social order, domestic purity, and national security," and "*Infidelity fans the flame of sectional jealousy and hate.*" This advocate of Fremont, the Standard, says:

"The only question which, at the present day, can possibly be said to excite sectional jealousy and hate is the Slavery question, and this is the flame which the American Tract Society declares is fanned by infidelity. If it be true that infidelity is raising its voice against the iniquities and abominations of American bondage, it has in fact become more Christian than cotton divinity, which insults the Almighty, revokes his precepts, and degrades his Holy Word by making it the warrant for the foulest injustice, the vilest cruelty."

Another Fremont leader is the notorious Theodore Parker, who in the course of an anti-slavery speech in New York, last March, said,

"The North has a duty to perform—to put slavery down, 'peaceably if it can, forcibly if it must.' There are two ways to go to work to do this: one is, dissolve the Union, and leave the South to settle the matter for herself.

"There are many things that look that way; and there are some who think this the true system. Among them is my friend Johnson, *who so handsomely introduced me as an infidel.* But he meant such an infidel as loves the good God and his fellow-man. Mr. Garrison is in favor of the dissolution of the Union. He is a great and good man, and I love him."

The following extract from a sermon of the same Rev. Theodore Parker, is a fair sample of the line of argument used by Fremont's reverend supporters:

"I do not believe in the miraculous origin of the Hebrew Church, or the Buddhist Church, or of the Christian Church, nor of the miraculous character of Jesus. I take not the Bible for my master, nor yet the Church, nor even Jesus of Nazareth for my master. He is my best historical dial of human greatness, nor without the stain of his times and, I presume of course, not without sin, for men without sin exist only in the dreams of girls."

Let Garrison talk for himself.

From the Boston Liberator, Garrison's paper, June 20, 1856—a paper that supports John C. Fremont:

"*The United States Constitution is a covenant with death and an agreement with hell.*"

The same number of the Liberator contains an editorial article indorsing Fremont's nomination; and a petition to Congress which demands the dissolution of the Union.

Garrison's infidelity is so strongly marked, that in his paper

of March 21, 1856, we find it stated by himself that he attended an anti-Bible Convention at Hartford (Conn.), at which, we use his own language, "he offered a series of resolutions *in opposition to the popular dogma respecting that volume!*" The Convention met under the following call:

**TO THE FRIENDS OF FREE DISCUSSION.** The undersigned hereby invite all who are friendly to free discussion, to attend a Convention to be held at Hartford (Ct), on Thursday, Friday, Saturday, and Sunday, 2d, 3d, 4th, and 5th of June next, for the purpose of freely and fully canvassing the **ORIGIN, AUTHORITY, AND INFLUENCE OF THE JEWISH AND CHRISTIAN SCRIPTURES.**

This invitation is not given to any particular class of Philosophers, Theologians, or Thinkers, but it is in good faith extended to all who feel an interest in the examination of the question above stated. There are many who believe that a supernatural revelation has been given to man; many others who deny this, and a large number who are afflicted with perplexing doubts—trembling between the silent skepticism of their reason and the fear of absolute denial. In issuing a call for a Convention, we have in view the correction of error, *by which party soever entertained*, and the relief of those who stand between doubt and fear, from their embarrassing position.

Some may have no doubt that the Jewish and Christian Scriptures have subserved an important end, and yet believe their mission is nearly completed, and must be superseded by a new dispensation; some may believe that their influence has been prejudicial in every respect, and that they have been a curse rather than a blessing to mankind; others may believe them a perfect record of the Divine will to man—good in the past and for all time to come; and others still may deny the plenary inspiration of the Bible, discarding much of the Old Testament, and receiving most or all of the New. Still, such diversity of opinion, instead of prejudicing the interests and good results which ought to attend such a Convention, will rather tend to increase its interest and enhance its value to the cause of truth.

Doubtless a free interchange of thought is the best mode of exciting inquiry, and of arriving at the truth.

"He who has a truth and keeps it,  
Keeps what not to him belongs;  
But performs a selfish action,  
And his fellow-mortal wrongs."

We invite, therefore, all who feel an interest in this question, without distinction of sex, color, sect, or party, to come together, that we may sit down like brethren in a communion before the altar of intellectual and spiritual freedom.

In the same number of this paper, dissolution of the Union is ably advocated, and three months later, as we have shown, John C. Fremont was advocated by Garrison as the true man to commence *the good work*.

In the same paper, of the 4th of May, 1855, we find a communication conspicuously published, and signed by Francis Barry, Berlin Heights, Ohio (no doubt if living a Fremont advocate), which contains the following extract:

"I have carefully looked over my last article (see Liberator, Feb. 2), and I can but find a single expression that begins to compare, in point of "profanity," with the above extracts. I said, if God had the power to abolish slavery, and would not, he was "a very great scoundrel." Now, did I recognize the *existence* of an infinitely holy being, and then should speak of him in such a manner, you might call it profanity; but as I believe in no God, my statement amounts simply to this: Any being whatever, having the power to strike the chains from the limbs of the slave, and should refuse to exercise it, is a scoundrel—I should have said, *devil*. And if there is a man, not a fiend in human shape, who does not respond to this sentiment, it is because his

humanity is swallowed up in his 'theology.' No doubt you would agree with me, that the *man* who will not do all in his power for the abolition of slavery, has more of the devilish than of the divine in his nature; but *God* may be deaf to the cry of despair, may even command his serviles to rob, ravish, and murder, as did fabled "Israel's God," and yet we must yield to this omnipotent fiend unlimited reverence. This is one of the pernicious effects of belief in a God. He may do whatever he pleases, whether it be right or wrong, angelic or devilish, and it is right, because *he* does it! The immutability of *Justice* is not recognized. Right, justice, truth, are arbitrary affairs—the present will or opinion of a changeable being—now one thing, now another. Belief in a being whose word, whatever it is, is recognized as truth, and whose will, however unreasonable or tyrannical, is recognized as law, involves a contempt for the eternal, immutable principles of justice and truth."

Horrible as this is, we defy contradiction, and stand ready to prove that the above is a true extract from a leading Abolition Disunion and Fremont paper, the "Boston Liberator."

At Boston, in May 29, 1855, and the same has lately been repeated—the following resolution against the "American Tract Society" and other Christian organizations, was adopted by the Anti-Slavery Society:

"4. Resolved, That the multiplication of converts to such a religion, instead of indicating any progress in the cause of justice, freedom, and Christianity, or furnishing any occasion for congratulation, is a sure sign of moral degeneracy, judicial blindness, and pharisaical malignity, to be denounced as an imposture; and that such a 'revival' is only a device of time-serving hirelings, to withdraw attention from the reforms of the age, and especially from the anti-slavery movement—to affect a zeal for God for the benefit of their craft—and to shield themselves from the condemnation they deserve for their treachery to the rights of man."

Wendell Phillips says:

"It is the first Sectional party ever organized in this country. It does not know its own face, and it calls itself National; but it is not national, it is sectional. It is the North arrayed against the South. Henry Wilson said to me, 'We must get every Northern State in order to elect Fremont. Even in imagination he did not count upon a single Southern State. It was a distinct recognition of the fact that the Republican party is a party of the North pledged against the South. Theodore Parker wanted to know once where Disunion would begin. I will tell him: Just where that party divides. That is a Northern party against the Southern. I do not call it an Anti-Slavery party; it has not risen to that yet. It is a Northern party against the Southern. They made the first little breach. The first crack in the iceberg is visible; you will hear it go with a crack through the centre. Its first distinct recognition was Bank's election. He was elected by Northern men—not a man from the South voting for him. That is the value of that party. I hail it as a sign—as a great gain. I did not hope to see it for ten years; it has come unexpectedly early.'"  
—Wendell Phillips, a Boston Infidel.

"The times demand and we must have an ANTI-SLAVERY CONSTITUTION, AN ANTI-SLAVERY BIBLE, AND AN ANTI-SLAVERY GOD."—Anson Burlingame, member of Congress from Massachusetts.

In one of the churches of Detroit, "a fearless and faithful minister of Christ"—as the *Tribune* terms him—preached an Abolition sermon, in which he remarked as follows:

"Before I would see popular sovereignty wrested by force from the people of the Territories (referring to the determination of the authorities to enforce obedience to the laws), I would have the plain of Kansas silent with universal

death. Before I would have the lips of our Senators and Representatives sealed in craven silence by the hand of Southern violence (referring to the castigation bestowed upon Sumner by Brooks for *personal*, not political reasons), I would see the halls of Congress ankle deep in blood!"

The New York Tribune is the chief party organ of these infidel disunionists. That journal has been the reservoir, for years, of all the levelling, anti-religious, and revolutionary doctrines of European ultraists and destructives. It is controlled by a corps among whom are notorious infidels. It has opened its columns to the revolting doctrines of "free love," to Fourierism, and to the scarcely less dangerous dogma of "spiritualism." All the wild, monstrous, and absurd theories of the day, including the political equality, and the certain and consequent social equality of blacks and whites, have found favor in its sight. It is this dangerous paper whose editor, Horace Greeley, has assisted at public meetings of blacks and whites in the City of New York, where both God and the Constitution have been reviled; it is he who has co-operated with the advocates of woman's rights in the same city, where unsexed females have delighted in addressing mobs of men in strains of vulgar violence. And it is his associate, Fry, who, at a late meeting in Camden, New Jersey, compared John C. Fremont to Jesus Christ, and declared that he wished an earthquake would swallow up the Christian Churches that did not join in present disunion phrensy. Greeley leads and stimulates the Fremont party in every Free State.

The next organ of the Infidel movement against the Union is the infamous James Gordon Bennett, of the New York Herald, a man whose vast fortune has been coined by ministering to the worst vices of human nature, and whose daily columns, from the editorials to the advertisements, so groan with offers to depravity, and with proclamations of premiums for prostitution, that no decent citizen admits it into his family.

It is easy to say: you would not hold Mr. Fremont's party responsible for these atrocious sentiments and examples. We reply, not if those who uttered and gave them countenance were not his leaders. Greeley is his accepted and leading organ; and Greeley's Fourierism, Free-Loveism, Spiritualism, are parts of that platform of which Sectionalism is the soul. Col. Fremont's platform is Greeley's Sectionalism; and this Sectionalism is to the Infidels and Traitors whom we have quoted an acceptable substitute for their hatred of the Bible, and their contempt for the Constitution and the Union. *They know that if Sectionalism succeeds, with Fremont at its head, the Christian Religion and the American Union, are hopelessly impaired, or utterly destroyed*, and this is the key to the whole movement.

We believe and admit that many good men have expected to vote for Fremont, who will reject all such sentiments as those asserted and adopted by his organs and friends; but still he can no more escape than he can successfully deny the fearful respon-

sibility. *The moment he consented to inflict the curse of Sectionalism upon the land, he became the instrument of vice, and the foe of God and of Freedom.*

Despotism views the greatness and wealth of our happy Union with envy and fear, and gloats upon the prospect of Disunion with song and exultation.

Infidelity is no less eager in its desire to overthrow religion; and to this end Disunion will contribute the only swift and ready weapon!

What is Liberty without the Union?

What would Religion be without a Constitution?

Both would be a mockery and a desolation.

Oppression and Tyranny would follow after the dissolution of the Union, and Religion would expire amid the clang of arms, or become the slave of the military despot.

Ask History for evidence of the truth of this picture; and, then, open the gates of servile and civil war, IF YOU DARE!

Do you tell us, O Christian minister, that these influences are not strong enough to divide the American Union?

We answer that they have already divided highly respectable Christian congregations.

If they could defy the law of God, what heed will they pay to the hopes and prayers of man?

At the two last General Conferences of the Methodist Episcopal Church, the question of Slavery was introduced, and all will remember the grateful prayers and the joyous expressions of the members of that great Church, at the success of peaceful counsels, after a long and painful debate; and the consequent dejection of the Abolitionists.

What is more soul-harrowing to the truly sincere patriot, to the honest believer in the Bible, to the moral and upright citizen, than to hear a political preacher hurling his anathemas against his fellow man, for their political opinions, from the pulpit, reared as an altar to the ever-living God? How often have we not seen it! How many happy communities has it not divided! How many bitter words has it not called out between brothers and friends! How has it not rejoiced Infidelity to see those evidences of expiring morality and blighted religion!

Look at your own experience, reader, and you will find that this is not a fancy sketch.

Remember your own sorrows, oh, faithful minister of Christ, whilst you have witnessed these humiliating scenes.

Recall the language of those Christian newspapers who have implored in vain that these degradations should cease.

Yesterday, it was Religious Intolerance which called out these too saddening exhibitions.

To-day, it is Disunionism, or in other words, devotion to "Fremont and Human Freedom," the shameless jargon by which traitors seek to dull the ears of our countrymen to the tocsin

of alarm that proclaims a fatal peril to Religion and the American Union.

What will it be to-morrow? What if Fremont should be elected in November? God grant the veil of the future may never be lifted upon that catastrophe!

We appeal, finally, to the humane and honest classes of our countrymen. If you regard the Southern people as your brothers, and not your enemies, if Southern men are not accursed by heaven in your eyes, if you believe this Constitution of ours worth preserving, if you think your Christian Churches worth protecting, even those of the Free States; if in a word, you have any veneration remaining for those who lived and died to serve and save the Republic, put your heel upon this double-headed serpent, this monster of Infidelity and of Abolition. There is but one way left to do it, and that is to oppose John C. Fremont's election to the Presidency.

### CONCLUSION.

The Hon. J. K. PAULDING, of New York, clearly and forcibly states the position of the parties in the present struggle in the following extract of a letter, dated on the 25th of June.

The two great parties have never been arrayed in direct opposition to each other on questions exclusively referring to political opinions, but moral, social, and religious principles, which form the basis of the entire standing of society, and the removal of which would produce a complete revolution, moral, social, and religious. In the words of one of the lecturers of this new school of ranting philosophy, now a member of Congress, "We must have an Anti-Slavery Bible, and an Anti-Slavery God."

What also distinguishes the approaching Presidential election from all preceding ones, is, that it involves not merely a construction of certain provisions of the Constitution, but the existence of the Constitution itself. Whatever may be the names which the parties in opposition to the Democracy choose to adopt for purposes of deception, it must be obvious to all observers, that its entire mass is pervaded by the leaven of Abolition, without which it would be inert and comparatively lifeless. To conciliate that dangerous faction, it is absolutely necessary to adopt its principles; and they are sufficiently notorious, having been repeatedly avowed at conventions and lectures and anniversary meetings.

They denounce the Bible, because it is an Anti-Slavery Bible; they denounce Christianity, because it tolerates a state of society which existed at the time, and has ever since been recognized; they denounce all laws inconsistent with the great dogma which constitutes their religious, moral, and political creed; and, finally, they denounce the Constitution "as a gross violation of the law of God and the rights of nature."

It must be evident to every mind that can follow out principles to their inevitable consequences, that were a party holding such doctrines to wield the powers of this government, it must necessarily lead to a revolution, not political, but religious, moral, and social. It would not be merely reform but complete subversion. It would uproot the very foundation of the great system of whose beneficent operation the people of the United States have hitherto enjoyed a degree of prosperity and happiness without a parallel in the history of the world. We shall be cut adrift from all our safe moorings, to float on the wide ocean of untried experiment, without rudder or compass, without any pilots, but mad-brained fanatics, and visionary reformers, who can neither comprehend their own vagaries nor make them comprehensive to others.

[No. 11]  
OFFICIAL PROCEEDINGS

OF THE

NATIONAL

*Democratic party, 1856*  
Democratic Convention,

HELD IN

CINCINNATI.

JUNE 2-6, 1856.

PUBLISHED BY ORDER OF THE CONVENTION.

CINCINNATI:

ENQUIRER COMPANY STREAM PRINTING ESTABLISHMENT.

T. WAGSTON, Superintendent.

1856.

# PROCEEDINGS

OF THE

## DEMOCRATIC CONVENTION.

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MONDAY, June 2, 1856.

Pursuant to the call of the Democratic National Committee, the Delegates to the National Convention assembled in Smith & Nixon's Hall in Cincinnati, Ohio, at 12 o'clock, noon, on the second day of June, 1856.

Robert McLane, of Maryland, as Chairman of the National Democratic Committee, called the Convention to order.

W. A. Richardson, of Illinois, arose and proposed that the Convention, for temporary organization, should elect Samuel Medary, of Ohio, President *pro tem.*, (Loud applause), which was unanimously adopted.

On motion, A. B. Clitherall, of Alabama, and W. F. Ritchie, of Virginia; were appointed Secretaries *pro tem.*

Mr. B. F. Hallett, of Massachusetts, asked that before further proceedings, the call of the Convention should be read, which was done by the Secretary. It is as follows:

*Voted*, That the next Democratic National Convention be held at Cincinnati, in the State of Ohio.

*Voted*, That in constituting the future National Convention, the Democratic Committee, in order to secure the respective rights of the States, each State shall be entitled to twice the number of delegates it has in the Electoral College, and no more; and the Democratic Committee, in making arrangements for the next Democratic Convention, provide such number of seats, and secure the same to the delegates elect.

Hon. A. P. Edgerton, of Ohio, Chairman of the Committee of Arrangements, handed to the President a list of the Delegates elected where seats were not contested, which was as follows:

## LIST OF DELEGATES TO THE DEMOCRATIC NATIONAL CONVENTION,

*Held at Cincinnati, June 2d, 1853.*

## MAINE.

Wyman B. S. Moor,	Waterville,	A. B. Chase,	Dover,
William K. Kimball,	Paris,	Isaac Tyler,	Farmington,
John C. Talbot, jr.,	Lubec,	Israel R. Bray,	Kingfield,
Samuel Watts,	Thomaston,	F. T. Lally,	Gardiner,
Dudley F. Leavitt,	Bangor,	Andrew Masters,	Hallowell,
Benjamin Wiggin,	Hancock,	A. G. Chandler,	Calais,
Jonathan Smith,	Portland,	Israel Chadbourne,	York,
John Babson,	Wiscasset.	George Parcher,	Ellsworth.

## NEW HAMPSHIRE.

Harry Hibbard,	Bath,	Henry B. Rust,	Wolfeboro',
Joseph H. Smith,	Dover,	George Bowers,	Nashua,
John H. George,	Canaan,	Horatio Kimball,	Keene,
B. F. Ayer,	Manchester,	Jonas Livingston,	Claremont,
Chas. Levi Woodbury,	Portsmouth.	Robert Ingalls,	

## VERMONT.

D. A. Smalley,	Burlington,	Tappan Stevens,	Newbury,
J. P. Kidder,	West Randolph,	John Cain,	Rutland,
C. G. Eastman,	Montpelier,	Lyman P. White,	Whiting,
Bradley Barlow,	Fairfield,	Isaac B. Bowditch,	Swanton,
Robert Harvey,	Barnet.	P. B. Benjamin,	Wolcott.

## MASSACHUSETTS.

Benjamin F. Butler,	Lowell,	James Cheever,	Boston,
Charles G. Greene,	Boston,	George B. Loring,	Salem,
N. J. Lord,	Salem,	Albert J. Currier,	Newburyport,
Whiting Griswold,	Greenfield,	Chas. H. Peaslee,	Boston,
S. B. Phinney,	Barnstable,	W. W. Pierce,	Charlestown,
James D. Thompson,	New Bedford,	Fisher A. Hildreth,	Lowell,
Alden S. Loud,		W. Fessenden,	Townsend,
E. P. Hathway,	Abington,	Isaac Davis,	Worcester,
Ezra S. Conant,	Randolph,	George W. Gill,	Worcester,
Henry P. Menhew,	Newton,	Stephen C. Bemis,	Springfield,
Patrick Riley,	Boston,	Calvin Tincey,	Palmer,
Isaac Adams,	Boston,	James B. Whitney,	Springfield,
Benjamin F. Hallett,	Boston.	Henry H. Childs,	Pittsfield,

## RHODE ISLAND.

Wm. B. Lawrence,	Newport.	H. J. Burroughs,	Providence,
Ariel Ballou,	Woonsocket,	Wm. J. Miller,	Bristol,
Peleg W. Gardiner,	Providence,	Elisha R. Potter,	Kingston,
Alfred Anthony,	Do.	Albert S. Gallup,	Providence.

## CONNECTICUT.

James T. Pratt,	Rock Hill,	James Gallagher,	New Haven,
Colin M. Ingersoll,	New Haven,	Sam'l. Ingham,	Essex,
Joel W. White,	Norwich,	John P. C. Mather,	New London,
E. A. Phelps,	Nh. Colebrook,	Peleg C. Child,	Nh. Woodstock,
Heman H. Barbour,	Hartford,	John C. Smith,	Sharon,
Alvan P. Hyde,	Tolland.	Wm. D. Bishop,	Bridgeport.

## NEW JERSEY.

Wm. Cook,	Bordentown,	Wm. D. Davis,	Freehold,
Alfred Hugg,	Camden,	Arch. Osburn,	Asbury,
J. S. Darsey,	Newark,	Ingham Coryell,	Lambertville,
E. R. V. Wright,	Hudson City,	Jacob Yanatta,	Morristown,
Wm. Hanna,	Camden,	John Hooper,	Paterson,
Ephraim E. Sheppard,	Bridgeton,	Simeon Harrison,	Orange,
Garrett S. Cannon,	Bordentown.	Charles Fink,	Jersey City.

## PENNSYLVANIA.

Arnold Plummer,	Franklin,	John G. Brenner,	Philadelphia,
Henry D. Foster,	Greensburg,	Orrin Jones,	Philadelphia.
D. B. Porter,	Harrisburg,	Thomas J. Roberts,	West Chester,
James L. Reynolds,	Lancaster,	John Rutter,	Media, Del. Co.
Edward G. Webb,	Philadelphia.	Charles D. Manley,	Allentown,
John McCarthy,	Do.	John D. Stiles,	Hucks County,
Jas. C. Vandyke,	Do.	Ed. Nicholson,	Reading,
C. McKibben,	Do.	J. Glancy Jones,	Do.
John Robbins, jr.,	Kensington,	P. K. Miller,	Kittanning,
Chas. W. Carrigan,	Philadelphia,	Jacob Forney,	Brownsville,
Joseph Lippincott,	Do.	John L. Dawson,	Towanda,
Andrew Burke,	Pittsburg,	C. L. Ward,	Williamsport,
Samuel W. Black,	Pittsburg,	W. F. Packer,	York,
M. C. Trout,	Sharon,	John H. Morrison,	Carlisle,
J. L. Gillis,	Ridgway,	Henry Welsh,	
J. Porter Branley,	Meadville,	John Stuart,	
A. B. Wilson,	Lewistown,	A. P. Lusk,	
H. B. Swan,	Lancaster,	John Casena,	Bedford,
Joseph B. Baker,	Gap,	John C. Everhart,	Martinsburg,
John Weidman,	Lebanon,	Richard White,	Hemlock,
J. M. Kreister,	Harrisburg,	Alex. McKinney,	Greensburg,
Wm. L. Dewar,	Sunbury,	William Hopkins,	Washington,
C. M. Straub,	Pottsville,	Charles Barnett,	Pittsburg,
H. B. Wright,	Wilkesb're,	James A. Gibson,	Allegheny Co.
J. G. Montgomery,	Danville,	John N. McGuffin,	New Castle,
John N. Hutchison,	Easton,	J. Y. James,	Warren,
H. B. Beardsly,	Honesdale,	Wilson Laird,	Erie.
W. E. Piolett,	Wyson.		

## DELAWARE.

George Riddle,	Wilmington.	Wm. H. Ross,	Seaford.
Gove Salisbury,	Dover.	James A. Bayard,	Wilmington.
Willard Salisbury,	Georgetown.	H. Ridgley,	Dover.

## MARYLAND.

R. B. Carmichael,		James M. Buchanan,	Baltimore.
Walter P. Snow,	Snow Hill.	William Byrne,	Baltimore.
William D. Merrick,	Allen's Fresh,	Rob't M. McLane,	Baltimore.
Nathaniel Cox,	Baltimore.	C. J. M. Gwinn,	Baltimore.
Cathill Humphreys,	Baltimore.	J. Thompson Mason,	Annapolis.
James A. Stewart,	Cambridge.	S. Lewis Lowe,	Frederick City.
John A. J. Creswell,	Elkton, Cecil Co.	Edward Hammond,	Ellicott's Mills.
Otho Scott,	Belle Air.	John A. B. Leonard,	Poolesville,

## VIRGINIA.

T. S. Bocock,	Appomattox c. h.	Eppea Huntan,	Brentsville,
D. W. Hubbard,	Curdsville,	Thomas M. Isbell,	Rippon, Jeff. co.
W. H. Clark,	Scottsburgh,	J. Randolph Tucker,	Winchester,
W. P. Thompson,	Retreat,	Chas. W. Russell,	Wheeling.
John P. Barbour, Jr.,	Alexandria.	James Nelson,	Fairmount.
B. W. Jackson,	Parkersburg.	J. L. Carr,	Kansawha c. h.
J. G. Jenkins,	Green Bottom.	Eustace Conway,	Fredericksburg
M. R. H. Garnett,	Loyds, Essex Co.	James A. Seddon,	Goochland Co.
Paulus Powell,	Amberst c. h.	R. A. Banks,	Madison c. h.
R. K. Meade,	Petersburg.	Lewis E. Harris,	Mattoac Depot.
Wm. B. Shands,	Southampton.	W. H. Edwards,	Baileysburg.
W. T. Hopkins,	Mason, Fowhatn	M. W. Fisher,	Eastville.
George Booker,	Hampton.	Archibald Graham,	Lexington.
Samuel C. Williams,	Woodstock,	A. A. Chapman,	
Fayette McMullen,	Rye, Scott Co.	John D. Floyd,	Abington.

## NORTH CAROLINA.

Wm. S. Ashe,	Wilmington.	W. W. Avery,	Morgantown.
R. R. Heath,	Edonton.	Bedford Brown,	Locust Hill.
Wm. Sloan,	Dallas.	H. G. Williams,	Hubbardtown.
J. T. Granberry,	Woodville.	F. A. Thornton,	Macon Depot.
M. Silby,	Lake Landing.	John Morrison,	Carthage.
Wm. J. Yates,	Fayetteville.	A. J. Stafford,	Winston.
T. D. McDowall,	Elizabethtown.	J. W. Neal,	Lawsonville.
Burton Craige,	Salisbury.	J. B. Gordon,	Wilkesboro.
Thos. L. Clingman,	Asheville.	J. T. Lewis,	Faulkner.

## SOUTH CAROLINA.

P. W. Pickins,	Edgefield c. h.	B. H. Brown,	Barnwell.
J. Gadberry,	Unionville.	J. L. Manning,	Fulton.
B. H. Wilson,	Georgetown.	J. D. Allen,	Barnwell.
C. W. Dudley,	Jennettsville	James Farrow,	Sprianburg.
W. D. Porter,		F. J. Moses,	Sumpterville.
C. McBeth,	Charleston.	E. G. Palmer,	Winnsboro.

## GEORGIA.

J. W. H. Underwood,	Rome.	James Gardner,	Augusta.
M. J. Wellborn,	Columbus.	L. Stephens,	Sparta.
John E. Ward,	Savannah.	A. H. Colquitt,	Newton.
R. P. Lyon,	Albany.	Hugh Buchanan,	Newnan.
W. K. DeGraffenried,	Macon.	J. W. Lewis,	Cartersville.
Charles Murphy,	Decatur.	Wm. H. Hull,	Athens.
Aug. R. Wright,	Rome.	A. E. Cochran,	Brunswick.
H. Strickland,	Hightower.	J. T. Irvin,	Washington.
A. S. Atkinson,	Langsbury.	R. J. Conout,	Atlanta.
John J. Cary,	Macon.	J. L. Rowland,	Cartersville.

## ALABAMA.

John Forsyth,	Mobile.	James R. Powell,	Montgomery.
R. Chapman.	Huntsville.	James B. Martin,	Talladega.
David Hubbard,	Kenlock.	J. W. Porties,	Suggsville.
John Cochran,	Eufala.	A. L. Milligan,	Geneva.
Julius Hesses	Mobile.	J. D. Tate,	Uchee.
Bolling Hall,	Montgomery.	R. H. Clements,	Tuscaloosa.
A. B. Clitherall,	Carrollton.	Thos. H. Hobbs,	Athens.
H. D. Smith,	Florence.	W. Acklin,	Huntsville.
T. J. Burnett,	Greenville.	H. W. Nelson,	

## LOUISIANA.

E. LaSere,	New Orleans.	A. Derbis,	New Orleans.
P. Seale,	New Orleans.	Thos Cottman,	Donaldsonville.
W. W. Pugh,	Assumption.	F. H. Hatch,	Darlington.
Chas. G. McHatton,	Baton Rouge.	Alexander Mouton,	Vermillionville.
P. A. Moise,	Natchitoches.	O. D. Block,	
W. S. Parham,	Richmond.	John L. Lewis.	Minden.

## MISSOURI.

W. A. Harris,	Bowling Green.	Thomas B. English,	Jackson.
E. D. Beville,	St. Charles.	Joseph Coffman,	St. Genevieve.
James B. Greene,	Canton.	Thomas B. Hudson,	St. Louis.
A. W. Lamb,	Hannibal.	D. D. Berry,	Springfield.
P. H. McBride,	Columbia.	Ferdinand Kennett,	Old Mines.
William Shields,	Lexington.	W. Watson,	Georgetown.
R. H. Stevens,	Bellevue.	James Craig,	St. Joseph.
S. R. Shrader,	Liberty.	John S. Phelps,	Springfield.
John S. McCracken,	Jefferson City.	Stark Manzey.	Brownville.

## INDIANA.

Wm. Rockhill,	Fort Wayne.	James Osborn,	Fairfield.
John Pettit,	Lafayette.	Alex. F. Morrison,	Indianapolis.
Jos. W. Chapman,	Madison.	Franklin Hardin,	Glenns Valley.
John L. Robinson,	Rushville.	G. T. Cookerly,	Terre Haute.
Turner Nelson,	Mt. Vernon.	Wm. M. Franklin,	Spencer.
John C. Heberitt,	Vincennes.	S. W. Telford,	Lafayette.
P. M. Kent,	New Albany.	M. D. Manson,	Crawfordsville.
D. S. Hufferdter,	Orleans.	A. A. Whitlock,	
R. W. Aiken,	Bloomington.	N. O. Ross,	Peru.
S. F. Mooney,	Brownstown.	G. W. McConnell,	Angola.
C. O'Brien,	Lawrenceburg.	J. W. Borden,	Fort Wayne.
A. Davidson.	Greensburg.	J. R. Slack,	Huntington.
James Elder,	Richmond.	W. Ryan,	Anderson.

## OHIO.

Samuel Medary,	Columbus.	L. W. Safford,	Chillicothe.
Henry B. Paine,	Cleveland.	Wm. Medill,	Lancaster.
James B. Stedman,	Toledo.	B. P. Hewitt,	McArthur.
C. L. Vallandigham,	Dayton.	Lewis Evans,	Newark.
Washington McLean,	Cincinnati.	W. A. Delaplaine,	Circleville.
J. L. Vattier,	Cincinnati.	H. C. Brumback,	Mt. Gilead.
J. J. Quinn,	Cincinnati.	John Mack,	Shelby.
Joseph Cooper,	Glendale.	D. B. Austin,	
M. C. Ryan,	Hamilton.	J. A. Marchand,	Wooster.
R. S. Cunningham,	Eaton.	M. Hoggland,	Millersburg.
G. V. Dersay,	Piqua.	Eli Miller,	Mt. Vernon.
J. Counts,	Sidney.	H. J. Jewett,	Zanesville.
J. G. Haley,	Napoleon.	Amos Layman,	Marietta.
M. C. Whitley,		Wm. Lawrence,	Washington.
John W. Bell,	Hillsboro.	Jas. R. Morris,	Woodsfield.
George W. Hamer,	Georgetown.	Geo. W. Belden,	Canton.
J. M. Smith,	London.	R. O. Hammond,	Akron.
T. L. Carothers,	Wilmington.	Arthur Hughes,	Cleveland.

John A. Corwin,  
James Wood,  
M. P. Bean,  
George W. Ghick,  
J. W. Davis,

Urbana.  
Bucyrus.  
Tremont.  
Portsmouth.

D. R. Paige,  
R. P. Ranny,  
S. W. Gilson,  
W. H. Gill,  
Geo. W. McCook,

Madison.  
Warren.  
Canfield.  
New Lisbon,  
Steubenville.

### MISSISSIPPI.

Powhattan Ellis,  
E. Barkedale,  
O. R. Singleton,  
James Drane,  
G. F. Neill,  
Jacob Thompson,  
A. G. Brown,

Natchez.  
Jackson.  
Canton.  
Bankston.  
Carrollton.  
Oxford.  
Newtown,

W. W. H. Mann,  
W. L. Balfour,  
G. A. Sykes,  
J. A. Orr,  
Wm. A. Stone,  
Sampson Parks,  
A. M. Clayton,

Houston.  
Vernon.  
Austin.  
Houston,  
Monticello.  
Marshall Co.

### TEXAS.

R. B. Hubbard,  
Matt Ward,  
W. C. Pollock,  
Wm. Fields,

Tyler.  
Jefferson.  
Nacogdoches.  
Galveston.

Wm. S. Oldham,  
H. P. Bee,  
Jacob Wallder.  
Guy M. Bryan,

Austin.  
Laredo.  
San Antonio.  
Brazona.

### FLORIDA.

C. E. Dyke,  
J. R. Brooks,  
D. L. Yulee,

Tallahassee.  
Pensacola.  
Homassassa.

John H. Parkhill,  
S. St. George Rodgers,  
J. T. Maybee,

Tallahassee.  
Ocala.  
Tampa.

### TENNESSEE.

Thomas C. Lyea,  
E. L. Gardenhire,  
W. E. Travis,  
W. M. Lowrey,  
J. D. Goodpasture,  
H. M. Colquitt,  
Lewis Shepherd,  
Austin Miller,  
B. M. Moore,  
E. G. Eastman,  
Jacob Miller,  
W. W. Ferguson,

Knoxville.  
Sparta.  
Manleyville.  
Greeneville.  
Livingston.  
Chickamanga.  
Bolivar.  
Lawrenceburg.  
Nashville.  
Yellow Stone.  
Carthage.

W. B. Bate,  
T. W. Newham,  
J. H. Thomas,  
Thomas M. Jones,  
S. P. Allison,  
M. A. Quarles,  
T. J. Freeman,  
E. F. Lamb,  
J. Knox Walker,  
L. C. Waggoner,  
John C. Ramsey,  
A. J. Vaughen,

Gallatin.  
Winchester.  
Columbia.  
Pulaski.  
Nashville.  
Clarksville.  
Trenton.  
Paris.  
Memphis.  
Franklin.  
Knoxville.  
Madisonville.

### KENTUCKY.

J. P. Bates,  
Jas. H. Garrard,  
C. A. Wickliffe,  
J. P. Martin,  
Levy Tyler,  
B. L. Clarke,  
J. C. Breckinridge,  
Beriah Magoffin,  
Wm. Preston,  
T. C. McCreery,  
L. Desha,  
Nath'l S. Strange,

Glasgow,  
Danville,  
Bardstown,  
Prestonsburg,  
Louisville,  
Franklin,  
Lexington,  
Harrodsburg,  
Louisville,  
Owensboro',  
Smith's Grove.

B. Spalding,  
Luther Branner,  
German Baker,  
L. B. Dickerson,  
E. Whitaker,  
J. C. Mason,  
J. W. Stevenson,  
G. B. Cook,  
John Chapete,  
R. B. J. Twyman,  
B. Garfield,  
W. E. Frazer,

Lebanon,  
Boonville,  
Shelbyville,  
Georgetown,  
Maysville,  
Owingsville,  
Covington,  
Princeton,  
Greenville,  
Paducah,  
Paris,  
Columbia.

## ILLINOIS.

J. A. Mattison,	Springfield,	John S. Hacker,	Cairo,
Wm. A. Richardson,	Quincy,	T. R. Young,	Marshall,
T. L. Harris,	Pettosburg,	W. B. Ficklin,	Charleston,
J. W. Singleton,	Chicago,	H. W. Dorsett,	Waukegan,
H. B. L. Steward,	Bloomington,	Wm. R. Morrison,	Waterloo,
J. C. Walker,	Lewiston,	J. B. Danforth, jr.,	Rock Island,
L. F. Ross,	Jacksonville,	B. F. Fredley,	Macomb,
J. L. McCormier,	Alton,	J. M. Campbell,	Springfield,
R. W. English,	Decatur,	C. H. Humphier,	New Haven,
S. Y. Baldwin,	Peoria,	T. S. Rice,	Rockford.
W. Cockle,	Griggsville.	C. J. Houseman,	
C. T. Gibbs,			

## WISCONSIN.

Nelson Dewey,	Cassville,	Sam'l. Crawford,	Mineral Point,
Paul Juneau,	Juneau,	Horace T. Saunders,	Racine,
James B. Cross,	Milwaukee,	M. J. Thomas,	Fond du Lac,
Satterlee Clarke,	Green Lake,	W. J. Gibson,	La Crosse,
H. J. Shultzes,	Schlesinger'sville,	Beriah Brown,	Madison.

## IOWA.

T. S. Wilson,	Dubuque,	D. H. Solomons,	Glenwood,
W. F. Coolbaugh,	Burlington,	A. T. Walling,	Keokuk,
C. J. McFarland,		R. M. Evans,	Iowa City,
J. C. Ramsey,	Agency City.	Bernhart Henn,	Fairfield.

## MICHIGAN.

W. F. Story,	Detroit,	Wm. Hale,	Detroit.
F. C. Whipple,	Howell,	J. S. Barry,	Constantine,
John P. Cook,	Hillsdale,	J. G. Thurber,	Monroe,
A. E. Campbell,	Battle,	Jacob Beeson,	Niles,
C. C. Chatfield,	Eaton Rapids,	Geo. W. Peck,	Lansing,
M. E. Crofoot,	Pontiac.	Ebenezer Warren,	Saut St. Marie.

## ARKANSAS.

R. M. Gaines,	Gaines Landing,	John Hutt,	Little Rock,
J. N. Embree,	Pine Bluff,	John S. Roame,	Pine Bluff,
C. A. Carroll,	Fort Smith,	T. B. Flournoy,	Laconia,
R. E. Jackson,	Valley Grove,	C. Caldwell,	Madison,
J. P. Johnson,			

## CALIFORNIA.

P. C. Rust,	Marysville,	P. L. Solomon,	Sonora,
Sam'l. H. Dosh,	Shasta,	J. Lancaster Brent,	Los Angeles,
D. E. Buel,	Colema,	J. N. Dawley,	Nevada,
J. H. Hill,	Sonoma,	S. W. Inge,	San Francisco.

Mr. McLane said: "I have been requested by the Committee of Arrangements to place in the hands of the Temporary Chairman of this Convention a list of the delegates elected. I have also been requested to state that two papers have been presented to that Committee by two different delegations from the State of New York. The gentlemen composing the Committee of Arrangements desire to communicate to the Convention that they have regarded all papers which on their face bear *prima facie* evidence of the regular election of the person presenting them, as entitling those persons to seats in this hall. They considered it their duty to issue tickets to all delegates who presented themselves with such *prima facie* evidence of election by the people. By this rule, when the State of Missouri presented itself the Committee issued tickets to those who presented this *prima facie* evidence that they were delegates elect. Another set, also claiming seats, presented themselves from the State of Missouri; but as in the opinion of the committee they did not present the necessary *prima facie* evidence of election, tickets were refused to them. The same governed in the case of New York, as in that of others bearing *prima facie* evidence of election. The New York delegations could not but be regarded as in the same position as the delegations from other States which presented the names of more than two delegates for each electoral vote. The same thing was, therefore, required of New York as was required of the Mississippi delegation—that the delegation should select the proper number to take seats on this floor. Mississippi complied with that requirement.

There are now here the proper number of delegates to occupy the seats assigned to Mississippi, though there are in the city over sixty members elected delegates from that State.

A Member—Eighty.

It was the pleasure of the delegations from New York to intimate that such an arrangement would not be altogether satisfactory, though the committee does not understand that the arrangement was peremptorily declined. I am requested by the committee to state it would with great pleasure have given tickets to the whole of the one hundred and forty delegates presenting themselves from the State of New York, if the committee could in any way have selected seventy members to occupy the seats assigned to New York. I desire only to say in conclusion, from the Committee of Arrangements, that both sets of delegates from New York are without, and demand admission to this hall. (Applause).

Samuel Medary was then escorted to the chair, amid much applause; and addressed the Convention in the following terms:

I can only return thanks to the Convention for the temporary honor it has conferred upon me by selecting me to preside over its preliminary deliberations. All that I can offer in return for the honor of the position in which you have placed me, will be to the best of my ability, to preserve that order which is so necessary on such occasions. While I am not a new visitor to conventions of this kind, I am yet new to the position in which your kindness has placed me. I have been a delegate to National Conventions, when the Republic extended but little

beyond the city in which we are now assembled, I was a delegate to the first Convention that nominated General Jackson for the Presidency. I was then, as now, one of the representatives of the Democratic party of the nation. It is now a grand party, grasping in its arms the shores of the two oceans of the world. In this Convention delegates are present from the Atlantic slope and the shores of the wide Pacific—thus manifesting in an unmistakable form, the progress of Democratic institutions and constitutional government. These are the institutions and this the government which it is our mission to defend and maintain. I repeat, that as long as we are governed by written constitutions and written laws, we should observe that deportment both personal and political, which will justify the expectation that we are capable of self-government. It is true that in governments like ours, we may expect temporary ebullitions of popular excitement. Like the great ocean, they cannot always be still. There cannot be a perpetual calm. We may sometimes expect the storms which purify the atmosphere.

Gentlemen, I will not detain you. I can only say that my highest purpose in accepting this unexpected promotion, is to perform the duties which it imposes on me, faithfully and impartially to all.

And now, while there is a brief silence and calm, allow me gentlemen, to introduce the Reverend Mr. Nicholson, who will address the Throne of Grace in behalf of the Convention.

The Reverend Mr. Nicholson, of the Episcopal Church, offered up the following

### PRAYER;

O Eternal God, we, Thy helpless creatures, desire to make our supplications unto Thee. Thou art glorious in holiness, fearful in praises, doing wonders. While Thy tender mercies are over all Thy works, Thou art of purer eyes than to behold iniquity, and Thou puttest away the wicked like dross. The very heavens, we are assured, are not clean in Thy sight. Wherewith, then, shall we come before the Lord, and bow ourselves before the High God? For we have erred and strayed from Thy ways like lost sheep. We have followed too much the devices and desires of our own hearts. We have offended against Thy holy laws. We have left undone those things which we ought to have done, and we have done those things which we ought not to have done, and there is no health in us. But oh! what infinite love Thou hast manifested towards us! for Thou hast revealed to us the way of salvation through the death and sacrifice our Lord Jesus Christ, Thine Eternal Son; in whom whosoever believeth with the heart shall not die eternally. Oh, Lord God, for the sake of Thine only Son, have mercy upon us, miserable offenders. Spare Thou those who confess their faults. Restore Thou those who are penitent, according to Thy promises declared unto mankind in Christ Jesus our Lord. And grant, most merciful Father, that hereafter we may lead a holy, righteous and sober life, to the glory of thy holy name.

We approach Thee, O Lord God, at this time in an especial manner, as the universal Ruler of men and things. Thou conductest both in heaven and on earth after the counsel of Thine own will. Thou settest up one and Thou pullest down another. Thou art the Avenger of Thy truth on the nations that depart from Thy ways; while Thou art the Rewarder of all such as diligently seek Thee. O God, bless our beloved land! bless our beloved land! Let it not be said of us, Ah, sinful nation, a people laden with iniquity, a seed of evil-doers, children that are corrupters; they have forsaken the Lord, they have provoked the Holy One to anger, they are all gone away backward. But let integrity, justice and the fear of God prevail in all our high places of authority. Rebuke,

throughout the land the daring spirit of infidelity insubordination, and of an excessive worldliness. Let truth and righteousness flow down all our streets; and the songs of the righteous be heard from all the habitations of the land.

Most gracious God, we humbly beseech Thee, as for the people of these United States in general, so especially for those who, having come from all parts of our country, are here in convention assembled, that Thou wouldst be pleased to direct and prosper all their consultations to the advancement of Thy glory, the good of Thy Church, the safety, honor and welfare of Thy people; that all things may be so ordered and settled by their endeavors, on the best and surest foundations; that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. To these representatives of the views and interests of so large a proportion of our fellow-citizens throughout the land, give a readiness of mind to follow the counsels of wisdom and experience; take from them all self-conceit, and shield their virtue from the assaults of the world, the flesh and the devil. These and all other necessities for them, for us and Thy whole Church, we humbly beg in the name and mediation of Jesus Christ, our most blessed Lord and Savior.

Almighty God, unto whom all hearts are open, all desires known, and from whom no secrets are hid, cleanse the thoughts of our hearts by the inspiration of Thy Holy Spirit, that we may perfectly love Thee and worthily magnify Thy holy name, through Christ our Lord.

Direct us, O Lord, in all our doings, with Thy most gracious favor, and further us with Thy continual help, that in all our works begun, continued and ended in Thee, we may glorify Thy holy name, through Jesus Christ our Savior.

Our Father, who art in heaven, hallowed be Thy name, Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread; forgive us our trespasses as we forgive those who trespass against us; lead us not into temptation, but deliver us from evil, for Thine is the kingdom and the power, and the glory for ever and ever.

The grace of our Lord Jesus Christ, the love of God, and the fellowship of the Holy Ghost be with us all evermore. Amen.

Mr. Brown of Mississippi, offered a resolution that seats be tendered to the delegates and alternates more than the several States are entitled to, and have allotted to them without the bar. He stated that there were vacant places within the Convention, and it was desirable that the delegates should have an opportunity of consulting their friends, and that all who came should participate in the great patriotic object for which they were assembled.

Mr. Thomas L. Harris, of Illinois, suggested that there would not be seats enough for them, and proposed to modify the motion so as to refer the selection of such as should have seats, to the Committee of Arrangements.

After some discussion, on motion, the resolution was for the present laid on the table.

Thomas L. Harris, of Illinois, then proposed that a Committee of Credentials, to be composed of a delegate from each State in which there is no disputed delegation, to be designated by the delegation, be appointed, whose duty it shall be to report to the Convention the delegates that present the proper credentials, and are entitled to take their seats in this body. Adopted.

The several delegations then gave in the following names for the Committee on Credentials :

Benjamin Wiggin, of *Maine*,  
John H. George, of *New Hampshire*,  
Bradley Barlow, of *Vermont*,  
James S. Whitney, of *Massachusetts*,  
G. S. Cannon, of *New Jersey*,  
Edward A. Phelps, of *Connecticut*,  
E. B. Heath, of *North Carolina*,  
Wm. Acklin, of *Alabama*,  
J. Lancaster Brent, of *California*,  
G. F. Neal, of *Mississippi*,  
G. M. Bryan, of *Texas*,  
P. H. Hatch, of *Louisiana*,  
James B. Stedman, of *Ohio*,  
John W. Stevenson, of *Kentucky*,  
James H. Thomas, of *Tennessee*,

H. B. Wright, of *Pennsylvania*,  
James A. Bayard, of *Delaware*,  
Otho Scott, of *Maryland*,  
Henry J. Burroughs, of *Rhode Island*,  
M. R. H. Garnett, of *Virginia*,  
Samuel W. Telford, of *Indiana*,  
Calvert Caldwell, of *Arkansas*,  
Albert W. Lamb, of *Missouri*,  
James Gardiner, of *Georgia*,  
Franklin J. Moses, of *South Carolina*,  
Thomas L. Harris, of *Illinois*,  
William Hale, of *Michigan*,  
David L. Yulee, of *Florida*,  
Bernhardt Henn, of *Iowa*,  
Paul Juneau, of *Wisconsin*,

Immediately after the election of President *pro tem*, a number of persons without tickets of admission, had thrust aside the door-keeper and rushed into the hall, claiming that they were delegates from Missouri. They had taken possession of the vacant seats assigned to New York.

When the members to compose the Committee on Credentials were announced, one of those claimants from Missouri arose and said that he had not heard Missouri called.

Mr. Richardson, of Illinois, said : Mr. President, I have no desire to interfere in the affairs of another State, but I must maintain, sir, that this Convention owes it to its dignity and self-respect that no person should be permitted to enter this hall, or take seats on this floor who has entered in defiance of the power of the door-keeper. I have no desire, sir, to enter into a discussion of the matter, but I declare it as my sentiment and opinion that this Convention owes it to itself, and to its dignity, to protect itself from insult.

The President—I would inform the gentlemen from Missouri, with all kindness, but with all determination, that according to the rules of the Convention, seats have been provided for the delegations from each State, and that only such as have tickets from the Committee of Arrangements are admitted to seats on this floor. The delegates having tickets have quietly and peaceably taken their seats. The temporary chairman cannot recognize any gentleman who is not entitled to a seat under these rules.

The claimant from Missouri—Mr. President—

[Cries of "Order! order!"]

The President—Let me say a few words, and if I am out of order some one will doubtless correct me. I hope the claimants that have gained admission to the Convention, from Missouri, without tickets, will listen to the voice of an individual who certainly has no wish to injure them or prejudge their case. These gentlemen must apply to the Committee on Arrangements. That is the only application they can make as the Convention is at present organized. I hope they will abide by this rule.

The Missouri claimant.—The delegation from Missouri cheerfully bows to the decision of the Convention. And the whole contesting delegation arose and retired from the Convention.

Mr. Bocock, of Virginia, called attention to the terms of the resolution offered by Mr. Harris, whereupon the Missouri delegation to whom seats had been given, withdrew the name of Mr. Lamb, as a member of the Committee on Credentials, until the Convention should pass upon the contested seats from that State.

C. A. Wickliff, of Kentucky, renewed the resolution, similar to that offered by Mr. Brown, of Mississippi, to allow alternates seats in the body.

After some discussion said resolution was withdrawn.

Mr. Stedman, from Ohio, presented an invitation from the Young Men's Mercantile Library Association, tendering the use of their hall and library to the delegates of the convention.

Mr. McCook, of Ohio, offered the following resolution :

*Resolved* That a committee of one from each State be selected by the respective delegations, and whose duty it shall be to select permanent officers of the Convention. Adopted.

The respective delegations announced the members to act as said Committee as follows :

Maine, J. C. Talbot, jr.  
New Hampshire, H. B. Rast.  
Vermont, Robert Harvey,  
Georgia, Alfred H. Holford.  
Massachusetts, Isaac Davis.  
Alabama, John Forsyth.  
Rhode Island, A. S. Gallup,  
Mississippi, E. Barksdale,  
Connecticut, P. C. Childs,  
New Jersey, Charles Fink,  
Pennsylvania, John L. Dawson,  
Delaware, Dr. C. Caldwell,  
Louisiana, P. A. Moise,  
Ohio, G. V. Dorsey,  
Kentucky, B. L. Clarke,

Tennessee, J. K. Walker,  
Maryland, James M. Buchanan,  
Virginia, Paulus Powell,  
North Carolina, James B. Gordon,  
South Carolina, Charles McBeth,  
Indiana, P. M. Kent,  
Illinois, T. R. Young,  
Missouri, John S. Phelps,  
Arkansas, R. M. Gaines,  
Michigan, J. G. Thurber,  
Florida, Charles E. Dyke,  
Texas, R. P. Hubbard,  
Iowa, James C. Ramsey,  
Wisconsin, Wm. J. Gibson,  
California, P. C. Rust.

Mr. McCook, of Ohio, offered the following resolution :

*Resolved*, That the Committee on Organization be instructed to report rules for the Government of this Convention; and that in the meantime the rules of the last Convention be the rules of this body. Adopted.

Mr. Hallett, of Massachusetts, offered the following :

*Resolved*, That a Committee, of one delegate from each State, to be selected by the delegation thereof, be appointed to report resolutions, and that all resolutions in relation to the Platform of the Democratic Party, be referred to said Committee, on presentation, without debate.

Mr. Bayard, of Delaware, moved to lay the resolution on the table. Carried.

Mr. Butler of Mass., demanded that the vote to lay the resolution, offered by him, on the table, be taken by States, and the States voted as follows :

**YEAS.**—Connecticut, 6; New Jersey, 7; Pennsylvania, 27; Delaware, 3; Maryland, 8; South Carolina, 8; Mississippi, 7; Arkansas, 4; Michigan, 6; Texas, 4; Iowa, 4; Wisconsin, 5. Total, 84.

**NAYS.**—Maine, 8; New Hampshire, 5; Vermont, 5; Massachusetts, 13; Rhode Island, 3; Virginia, 15; North Carolina, 10; Georgia, 10; Alabama, 9; Louisiana, 6; Ohio, 23; Kentucky, 12; Tennessee, 12; Indiana, 13; Illinois, 11; Missouri, 9; Florida, 3; California, 4. Total, 177.

The chair decided the motion to lay on the table lost. On motion the resolution was then adopted, and the following delegates were selected for the Committee on Resolutions :

*Haine, A. G. Chandler,  
New Hampshire, B. F. Ayer,  
Vermont, Charles G. Eastman,  
Massachusetts, Benjamin F. Hallett,  
Delaware, W. Salisbury,  
Maryland, C. J. M. Gwinn,  
Virginia, A. A. Chapman,  
North Carolina, W. S. Ashe,  
South Carolina, C. W. Dudley,  
Georgia, A. R. Wright,  
Alabama, John Cochran,  
Mississippi, Jacob Thompson,  
Louisiana, Pierre Soule,  
Ohio, C. L. Vallandigham,  
Kentucky, B. Magoffin,*

*Rhode Island, Wm. B. Lawrence,  
Connecticut, A. B. Hyde,  
New Jersey, E. B. V. Wright,  
Pennsylvania, J. G. Jones,  
Tennessee, W. A. Quarles,  
Indiana, J. L. Robinson,  
Illinois, O. B. Ficklin,  
Missouri, Thomas B. Hudson,  
Arkansas, John Hutt,  
Michigan, W. F. Story,  
Florida, S. St. George Rodgers,  
Texas, H. P. Bee,  
Iowa, Thomas S. Wilson,  
Wisconsin, S. Clarke,  
California, S. W. Inge.*

Mr. Black, of Pennsylvania, moved to reserve the front seats in the galleries for the use of the ladies.

On motion of Mr. Pettit, the motion was laid on the table.

And then the Convention adjourned until ten o'clock, A. M., to-morrow.

## SECOND DAY'S PROCEEDING.

CINCINNATI, June 3, 1856.

The Convention was called to order precisely at ten o'clock, by the *pro tem.* President, Samuel Medary. Excellent order prevailed at the opening of the session, and the temper of the members appeared calm and sedate.

The President—The first thing in order will be the report of the Committee on Permanent Organization. If ready to report, the Convention will now receive it.

J. L. Dawson, of Pennsylvania—The Committee appointed to recommend suitable persons for permanent officers of this Convention, respectfully report the following :

FOR PRESIDENT OF THE CONVENTION,  
**Gen. JOHN B. WARD**, of Georgia.

FOR VICE-PRESIDENTS,

Jonathan Smith, of Maine,  
 Charles L. Woodbury, *New Hampshire*.  
 Jefferson P. Kidder, *Vermont*.  
 Henry H. Childs, *Massachusetts*.  
 Peleg W. Gardner, *Rhode Island*.  
 James T. Pratt, *Connecticut*.  
 John S. Darcey, *New Jersey*.  
 Arnold Plummer, *Pennsylvania*.  
 Wm. H. Ross, *Delaware*.  
 C. Humphries, *Maryland*.  
 Robert A. Banks, *Virginia*.  
 Bedford Brown, *North Carolina*.  
 B. H. Brown, *South Carolina*.  
 Dr. John W. Lewis, *Georgia*.  
 David Hubbard, *Alabama*.

Wm. L. Balfour, *Mississippi*.  
 Alex. Mouton, *Louisiana*.  
 George W. Bolden, *Ohio*.  
 Levi Tyler, *Kentucky*.  
 Thomas C. Lyon, *Tennessee*.  
 William Rockhill, *Indiana*.  
 Joel A. Mattison, *Illinois*.  
 John S. Reams, *Arkansas*.  
 M. E. Crofoot, *Michigan*.  
 J. T. Maybes, *Florida*.  
 Matthew Ward, *Texas*.  
 P. H. McBride, *Missouri*.  
 C. J. McFarland, *Iowa*.  
 Nelson Dewey, *Wisconsin*.  
 J. H. Hill, *California*.

FOR SECRETARIES.

Wm. K. Kimball, *Maine*.  
 H. Kimball, *New Hampshire*.  
 Isaac B. Bowditch, *Vermont*.  
 J. C. Abbott, *Massachusetts*.  
 Wm. J. Miller, *Rhode Island*.  
 Wm. D. Bishop, *Connecticut*.  
 Wm. Hanna, *New Jersey*.  
 John N. Hutchison, *Pennsylvania*.  
 Amos Layman, *Ohio*.  
 Samuel Williams, *Kentucky*.  
 Jacob Miller, *Tennessee*.  
 James Elder, *Indiana*.  
 O. H. Lamphier, *Illinois*.  
 Daniel D. Berry, *Missouri*.  
 B. E. Jackson, *Arkansas*.

W. P. Snow, *Maryland*.  
 Wm. F. Ritchie, *Virginia*.  
 H. G. Williams, *North Carolina*.  
 B. H. Wilson, *South Carolina*.  
 H. Buchanan, *Georgia*.  
 Julius Hesse, *Alabama*.  
 A. Derby, *Louisiana*.  
 W. W. H. Dixon, *Mississippi*.  
 C. C. Chatfield, *Michigan*.  
 J. R. Brooks, *Florida*.  
 W. C. Pelloch, *Texas*.  
 A. T. Walling, *Iowa*.  
 A. T. Gray, *Wisconsin*.  
 J. N. Dawley, *California*.

The Committee further recommends that the rules and regulations adopted by the National Democratic Convention in 1852, be adopted by this Convention for its government.

**JOHN L. DAWSON**, *Chairman*.

**J. KNOX WALKER**, *Secretary*.

On motion of Mr. Bordan, of Indiana, the report was unanimously adopted.

The Chair then appointed Mr. Dawson, of Pennsylvania, and Mr. Yulse, of Florida, to conduct the President elect to the chair.

Before taking his seat, the President addressed the Convention as follows:

Gentlemen of the Convention: The summons to preside over your deliberations is as unexpected as it is grateful to me. The distinguished gentleman who yesterday presided, the connecting link between the past and the present, carried us back to that period in our history when the Democratic party assembled to give into the hands of its favorite son, its standard to go forth to battle against a noble and gallant party. That party, with the issues which then divided us, have passed away. Many of its leaders, one by one, have

stolen to their silent resting place, filled with years and honors, mourned by political friends and political foes.

"How sleep the brave, who sink to rest  
With all their countries' honors blest,  
When Spring, with dewy fingers cold,  
Returns to deck their hallowed mold,  
She there shall find a sweeter sod  
Than Nancy's feet have ever trod.  
There Honor comes, a pilgrim gray,  
To deck the mold that wraps their clay;  
And Freedom for a while repair  
To dwell a weeping hermit there."

Many of that noble party who still survive are with us to-day. They are with us in our deliberations, and they are prepared to go forth with us to battle in behalf of the Constitution and the Union. Why, why, then, gentlemen of the Convention, with this party passed away, and these issues settled, why are we environed with difficulties, and surrounded with dangers before unknown? Our land is convulsed with factions. The one, recreant to the Constitution, would build a wall around our country, and give a home to the exile who seeks our shores, only on condition that he renounce all the privileges which are dear to freemen; a party which, in the pride of power, assumes to dictate to the consciences of men, and which would allow no man to be fit to serve his country who bowed not with them at the same altar.

The other faction—more dangerous only because it is more numerous—has liberty emblazoned on its banners and deadly treason festering in its heart. It is engaged in an unholy crusade against the Constitution, which has so long maintained its hold on the affections of the people, in the fond hope that they may involve in one common ruin all the glorious recollections of the past, and all our proud anticipations of the future. Insignificant and contemptible in itself, it is formidable only for its tendency to unite with all other factions in their opposition to a party which makes no concessions, courts no alliances, asks no affiliations.

From the shores of the Pacific, from the mountains of the North, from the plains of the South, from the valleys of the West, delegates have come up to-day to present a platform and to select a standard bearer in the great contest against these factions. Unitng as a band of brothers around the altar of our common country, let us lay upon that altar, as a willing sacrifice, our personal aspirations, our sectional prejudices, and above and beyond all, our private friendships.

With an abiding confidence that the kindness which has summoned me to this place, will sustain me in the performance of its duties, and will generously pardon my errors, I assume the trust committed to me.

The Vice Presidents and Secretaries were then invited to take seats on the stand.

Mr. J. A. Bayard, of Delaware, submitted the following :

#### REPORT OF THE COMMITTEE ON CREDENTIALS.

Your Committee proceeded yesterday, after the adjournment of the Convention, in the performance of the duty assigned to them, and find that all the States of the Union, except the State of New York, are represented in the Convention by delegates duly elected in the several States, by State or District organizations of the Democratic party, and they append to this report, as part thereof, full lists of the delegates so elected.

There were contesting claimants of the seats held by the delegation

from Missouri, who claim to be admitted either in part or in whole as delegates from the same State.

The following gentlemen, claiming to be the regular delegation from the Democracy of Missouri, had, on *prima facie* evidence, been assigned seats in the Convention by the Committee of Arrangements viz :

Wm. A. Harris, E. D. Bevitt, James S. Green, A. W. Lamb, P. H. McBride, Wm. Shields, R. H. Stephens, S. R. Shrader, John S. McCracken, Thos. B. English, Joseph Coffman, Thomas B. Hudson, D. D. Berry, Fred. Kennett, Dr. W. Watson, James Craig, John S. Phelps, and were represented before the committee by Messrs. Green and Phelps.

The contesting parties who claimed seats were B. Gratz Brown, Barton Able, P. J. McSherry, Stephen Rice, S. J. Lowe, Jacob Hall, Logan Clarke, John M. Richardson, A. McCoy, John D. Stevenson, Thomas L. Price, John C. Walker, Patrick H. Davis, Madison Miller, P. Harney, J. S. Foy, George Smith and Samuel Simmons, and were represented before the committee by Messrs. Price and Brown.

The committee deem it unnecessary to recapitulate the arguments and statement of facts of either side, and confine themselves to the conclusion to which they have arrived.

After hearing fully the representatives of each contesting delegation, the following resolution was *unanimously* adopted :

*Resolved*, That the Democratic delegates from the State of Missouri, represented before the Committee by Messrs. Green and Phelps, are the duly elected delegates of the Democracy of Missouri, and are entitled to their seats in the National Convention, to the exclusion of the contesting claimants, represented by Messrs. Price and Brown.

The length of time occupied in hearing the parties to the contested seats in Missouri has prevented any hearing of the two sets of delegates from New York, who claim respectively to represent the Democracy of New York, but that hearing has been commenced this morning, and will be concluded as speedily as justice to the parties will permit, and be made the subject of a further report.

All of which is respectfully submitted.

June 3, 1856.

J. A. BAYARD, *Chairman*.

On motion of Mr. C. T. McFarland of Iowa, the report of the Committee was, amid great applause, *unanimously* concurred in, and the delegates from Missouri holding seats were declared entitled to the same, to the exclusion of their contestants.

Mr. Bayard asked, in behalf of the Committee on Credentials, that they be allowed to sit during the session of the Convention, which was granted.

Mr. Green, of Missouri, moved that the name of A. W. Lamb be now added to those of the Committee on Credentials. Adopted.

A delegate from Alabama moved a resolution to admit the delegates from the District of Columbia into the Convention, to participate in the deliberations and action of the Convention.

Mr. Twyman, of Kentucky, was opposed to the delegates from the District of Columbia, who had no votes for the Presidency, participating in the action of the Convention. He had no objection to their

admission, as lookers-on, in the hall. He moved to lay the resolution on the table.

Mr. Thomas L. Harris, of Illinois, endeavored to address the Convention on this question, but the Chair decided that he was not in order.

Mr. Harris said that he did not wish to discuss the question; he merely wished to read a telegraphic despatch which he held in his hand, announcing that the Democracy of the District of Columbia had carried the election in Washington by a handsome majority. (Great applause and hurrahs.)

The motion to lay upon the table the resolutions admitting the delegates from the District of Columbia, was then put and adopted by a large majority.

Mr. Brown, of Mississippi, offered the following resolution:

*Resolved*, That the seats in the galleries of this hall be declared vacant, and that the National Democratic Convention divide them, *pro rata*, among the States and Territories, and issue tickets accordingly and deliver them to the delegations from the several States; *Provided*, that no more persons be admitted than can be conveniently and safely accommodated.

Mr. Mickle of New Jersey offered the following amendment:

*Resolved*, That the galleries on the right of the President be appropriated exclusively for the use of the ladies, and gentlemen accompanying them.

Mr. Avery, of North Carolina, moved to lay the resolution and amendment on the table. The votes by States being called for, resulted as follows:

**YEAS.**—Massachusetts, 13; Rhode Island, 4; Connecticut, 6; New Jersey, 7; Pennsylvania, 21; Delaware, 3; North Carolina, 10; South Carolina, 8; Georgia, 6; Louisiana, 6; Ohio, 12; Tennessee, 12; Indiana, 13; Illinois, 11; Arkansas, 4; Michigan, 6; Texas, 4; Iowa, 4; Wisconsin, 5; California, 4. Total, 159.

**NAYS.**—Maine, 8; New Hampshire, 5; Vermont, 5; Pennsylvania, 6; Maryland, 8; Virginia, 15; Georgia, 4; Alabama, 9; Mississippi, 7; Ohio, 12; Kentucky, 12; Missouri, 9; Florida, 3. Total, 103.

And the resolution and amendment were laid on the table.

Mr. Meade, of Virginia, moved that a ticket of admission be issued to Mr. D. B. Layne, a delegate to the Convention, whose ticket had been lost. Adopted.

Judge Mason, of Maryland, offered the following resolution:

*Resolved*, That the galleries be cleared, and that the Committee on Organization be instructed to issue three tickets to each delegate of the Convention, for distribution.

Mr. Mason modified the resolution by inserting one instead of three.

Mr. Hubbard, of Iowa, moved to lay the resolution on the table. A call by States being made, resulted as follows:

**YEAS.**—New Hampshire, 5; Massachusetts, 13; Rhode Island, 4; Connecticut, 6; New Jersey, 7; Pennsylvania, 27; Delaware, 3; North Carolina, 11; South Carolina, 8; Georgia, 6; Louisiana, 6; Illinois, 11; Missouri, 9; Michigan, 6; Texas, 4; Iowa, 4; Wisconsin, 2; California, 4. Total, 136.

**NAVS.**—Maine, 8; Vermont, 5; Maryland, 8; Virginia, 15; Georgia, 4; Alabama, 9; Mississippi, 7; Ohio, 24; Kentucky, 12; Tennessee, 12; Indiana, 13; Arkansas, 4; Florida, 8; Wisconsin, 2. Total, 126.

And the resolution was laid on the table.

Mr. Singleton, of Mississippi, offered the following resolution :

*Resolved*, That the galleries of this hall be declared free to all spectators.

Mr. Wilson, of Iowa, offered the following amendment : That the question of admission of persons to seats in the galleries, be referred to the Committee on Organization, with directions to adopt some equal and just plan for the admission of persons from the several States ; and that said Committee report to the Convention as early as practicable.

On motion the resolution and amendment were laid on the table.

Mr. Moore, of Maine offered the following resolution :

*Resolved*, That the Committee of Arrangements be instructed to issue no more tickets of admission to this hall, without the special order of this Convention.

Mr. Pettit, of Indiana, moved that the galleries be cleared, which motion was lost.

Mr. Vallandigham, of Ohio, moved to refer the resolution of Mr. Moore, of Maine, and all other resolutions on the subject, to the Committee of Arrangements.

Mr. McMullen, of Virginia, moved to lay the resolution on the table. Carried.

Mr. Thompson, of Mississippi, offered the following resolution :

*Resolved*, That the Committee on Arrangements be instructed to admit Mr. J. W. McDonald to his seat as reporter from Mississippi. Adopted.

After several motions to amend, and considerable debate with reference to the galleries,

Mr. McLane, of Maryland, said—Gentlemen of the Convention, I desire to say, on behalf of the Committee of Arrangements, that in this hall it is absolutely impossible to seat a number of persons greater than the number that has been provided for. I will state further, that it was not the design of the Committee originally to apply the galleries to the use of the press. It was designed to seat the reporters for the various newspapers on the platform on each side of the President. That was the arrangement made for the press. If gentlemen will look at the platform and consider that, in the plan of organization now adopted, room must be made for three Vice-Presidents, and thirty-one Secretaries, they will see that the press had as large a space as possible devoted to their use. I would remark that over three hundred applications were made for tickets by gentlemen, under the style of reporters for the press. In very few cases was it believed that these were efficient reporters of the proceedings of this Convention. In very few cases did they profess to be so. They simply professed to be attached to corps of reporters. The Committee of Arrangements, of which I am not a member, but which I have been requested to represent on this floor, deemed it proper that these gentlemen should be admitted as

reporters, and have seats in the galleries as such. The Committee did not think it ought to take the responsibility of saying to these gentlemen who professed to be reporters of the press, that they could not have seats when there was a place for them. But they understood very well that it was the right of the Convention when organized to appropriate the galleries to its own use. It is idle to suppose that the Convention has no such right. But it is the misfortune of this Convention that there is no hall in the city of Cincinnati suitable for its accommodation.

With these views I have suggested to the honorable member from Mississippi, and to the Convention, that this resolution be withdrawn, and that the Committee of Arrangements be instructed to issue new tickets for the galleries, under the direction of the President. The present gallery tickets will be cancelled after to-day. This suggestion was adopted, and the Committee so instructed.

D. C. Buel, of California, moved that the Convention appoint one Sergeant-at-Arms, and two deputies, for the Convention.

Dr. Cottman, of Louisiana, suggested that the Committee of Arrangements appoint these officers.

Some one else proposed that the President make these appointments. Adopted.

Mr. McMullen, of Virginia, moved that the Convention, when it adjourns, adjourn to to-morrow at 10 o'clock, A. M. Adopted.

A letter of invitation to use their hall, was read from the Young Men's Democratic Association; also, a letter from the Horticultural Society of Ohio, inviting the members to attend their exhibition on Elm street, on Thursday next.

Judge Clitherall, of Alabama, moved a resolution that each delegate, when addressing the Convention, should proceed to the stand and address the body from that place. Rejected.

On motion of Hon. J. L. Dawson, of Penn., the Convention took a recess until four o'clock.

#### AFTERNOON SESSION.

At 4 o'clock the President called the Convention to order.

Hilliard Salisbury, of Delaware—Mr. President, I desire to state that, as I am informed, there are now in Cincinnati fifteen or twenty members of the Senate and House of Representatives of the United States, who have come here with the expectation of witnessing, or participating in this Convention, I offer this resolution:

*Resolved*, That the Democratic members of the Senate and House of Representatives of the United States, who may be in Cincinnati during the session of the Convention, are invited to take seats on the platform and floor of the Convention.

Mr. Chapman, of Alabama—I move to amend, by inviting the members of the different State Legislatures who may be now in the city.

After some debate, Mr. Avery of N. C., said—As this Convention has no time to send out and collect the balance of mankind, I move to lay the resolution and amendments on the table.

The motion to lay them on the table was carried.

Mr. Petit, of Indiana—I desire to inquire, for I have been informally informed that such is the case, whether the Committee on Resolutions is ready to report. If they are ready I desire to move that they be permitted to report.

Mr. Wilson—The Chairman of the Committee on Resolutions, is absent from his seat, and, therefore, cannot answer. I am informed, however, that the Committee will not be prepared to report till to-morrow morning at 10 o'clock.

Mr. P. C. Child of Connecticut, said—Mr. President, I wish members of this honorable body, assembled from all sections of the country, to set apart a short period for communing with each other, and telling each other their experience in the Democratic church. Certainly, the time not devoted to the business which has called us hither, could not be more usefully or profitably employed. I stand here, sir, in this National Convention, composed of delegates from the democracy of every State of our glorious confederacy, a representative of the State of Connecticut—a representative from the county of Wyndham, more commonly called “Wolf Den” county, the county which was the residence of that ever-to-be-remembered hero who fought shoulder to shoulder with the patriots of North Carolina, and the patriots of South Carolina, in that revolutionary struggle by which was achieved the freedom we now enjoy. It will be remembered here, on this occasion, when we have again assembled in a spirit of harmony and fraternity, in the defense of a common cause, and the pursuit of a common object, that South Carolina was one of the immortal Thirteen. It will also be remembered Connecticut, the State which I have the honor to represent was also one of the immortal Thirteen. My object in introducing this resolution is for the purpose of allowing time for the different delegations from the various parts of this great Union, to compare notes with each other. I hope, as there is nothing else to occupy the time and attention of this body, that an opportunity will be presented for the accomplishment of this purpose, and for allowing members to tell their experience in the different States of the confederacy.”

Mr. Child's resolution was one of invitation to the delegates from the various States, to give their views on the present state of parties. The resolution was not acted on.

Mr Phelps, of Missouri, proposed a resolution that the Committee on resolutions be authorized to have their report printed so that it could be laid before all the members, and made the order of the Convention to-morrow.

Mr. Hallett, of Massachusetts, stated that there would be one more meeting of the Committee, that the resolutions were nearly all agreed upon, and that steps had already been taken to have the resolutions printed, and that they would be reported to-morrow at 10 o'clock.

On motion of Mr. Petit, of Indiana, the Convention then adjourned till to-morrow, Wednesday, June 4, at 10 o'clock, A. M.

# THIRD DAY'S PROCEEDINGS.

MORNING SESSION, JUNE 4, 1856.

At ten o'clock the Convention was called to order by the President, General Ward.

After waiting some time, Mr. Stewart, of Maryland, called the attention of the Convention to the necessity of transacting business in its regular order, and as speedily as possible. He supposed the report of the Committee on Resolutions was first in order, and if so, he would now call for it.

Mr. Hallett, (who had ascended the platform) said—He would state that the Committee is prepared to make its report as soon as the Convention is ready to receive it.

[Voices.—Now! Now!]

The President.—The Convention must come to entire order before the Chairman will proceed to read the resolutions.

The Convention having come to order, Mr. Hallett said:

I have been instructed, as the Chairman of the Committee on resolutions, to report to this Convention the platform of resolutions which they have adopted. I am also instructed by the Committee to say that the portion of the resolutions which relates to Kansas and Nebraska, and those propositions concerning the administration of the General Government, have been adopted by the Committee with entire unanimity, every member from every State having signified his perfect acquiescence in these resolutions. There is another and very important class of resolutions, relating to the foreign policy of the country. While these resolutions have been recommended by the Committee as a portion of the platform, it is proper to state that they were not adopted with entire unanimity. I am also instructed to report a resolution, as recommended by the Committee, concerning communication between the Atlantic and Pacific oceans.

With these explanations I shall proceed to read the resolutions:

## REPORT OF THE COMMITTEE ON RESOLUTIONS.

*The Committee on Resolutions, by their Chairman, Mr. Hallett, of Massachusetts, submit the following Report:*

*Resolved*, That the American Democracy place their trust in the intelligence, the patriotism, and the discriminating justice of the American people.

*Resolved*, That we regard this as a distinctive feature of our political creed, which we are proud to maintain before the world, as the great moral element in a form of government springing from and upheld by the popular will; and we contrast it with the creed and practice of Federalism, under whatever name or form, which seeks to falsify the will of the constituent, and which conceives no imposture too monstrous for the popular credulity.

*Resolved, therefore*, That, entertaining these views, the Democratic party of this Union, through their Delegates assembled in a general Convention, coming together in a spirit of concord, of devotion to the doctrines and faith of a free representative government, and appealing to their fellow-citizens for the recti-

tude of their intentions, renew and re-assert before the American people, the declarations of principles avowed by them when, on former occasions in general Convention, they have presented their candidates for the popular suffrages.

1. That the Federal Government is one of limited power, derived solely from the Constitution; and the grants of power made therein ought to be strictly construed by all the departments and agents of the government; and that it is inexpedient and dangerous to exercise doubtful constitutional powers.

2. That the Constitution does not confer upon the General Government the power to commence and carry on a general system of internal improvements.

3. That the Constitution does not confer authority upon the Federal Government, directly or indirectly, to assume the debts of the several States, contracted for local and internal improvements, or other State purposes; nor would such assumption be just or expedient.

4. That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of any other, or to cherish the interests of one portion to the injury of another portion of our common country; that every citizen and every section of the country has a right to demand and insist upon an equality of rights and privileges, and to complete an ample protection of persons and property from domestic violence or foreign aggression.

5. That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government, and for the gradual, but certain extinction of the public debt.

6. That the proceeds of the public lands ought to be sacredly applied to the national objects specified in the Constitution; and that we are opposed to any law for the distribution of such proceeds among the States, as alike inexpedient in policy and repugnant to the Constitution.

7. That Congress has no power to charter a national bank; that we believe such an institution one of deadly hostility to the best interests of the country, dangerous to our republican institutions and the liberties of the people, and calculated to place the business of the country within the control of a concentrated money power, and above the laws and the will of the people; and that the results of Democratic legislation in this and all other financial measures upon which issues have been made between the two political parties of the country, have demonstrated to candid and practical men of all parties, their soundness, safety, and utility, in all business pursuits.

8. That the separation of the moneys of the Government from banking institutions is indispensable for the safety of the funds of the Government, and the rights of the people.

9. That we are decidedly opposed to taking from the President the qualified veto power, by which he is enabled, under restrictions and responsibilities amply sufficient to guard the public interests, to suspend the passage of a bill whose merits cannot secure the approval of two-thirds of the Senate and House of Representatives, until the judgment of the people can be obtained thereon, and which has saved the American people from the corrupt and tyrannical domination of the Bank of the United States, and from a corrupting system of general internal improvements.

10. That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty, and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith, and every attempt to subvert the

privilege of becoming citizens and the owners of soil among us, ought to be resisted with the same spirit which swept the alien and sedition laws from our statute books.

And, WHEREAS, Since the foregoing declaration was uniformly adopted by our predecessors in National Conventions, an adverse political and religious test has been secretly organized by a party claiming to be exclusively American, it is proper that the American Democracy should clearly define its relation thereto, and declare its determined opposition to all secret political societies, by whatever name they may be called.

*Resolved*, That the foundation of this union of States having been laid in, and its prosperity, expansion, and pre-eminent example in free government, built upon entire freedom in matters of religious concernment, and no respect of person in regard to rank or place of birth; no party can justly be deemed national, constitutional, or in accordance with American principles, which bases its exclusive organization upon religious opinions and accidental birth-place. And hence a political crusade in the nineteenth century, and in the United States of America, against Catholic and foreign-born, is neither justified by the past history or the future prospects of the country, nor in unison with the spirit of toleration and enlarged freedom which peculiarly distinguishes the American system of popular government.

*Resolved*, That we reiterate with renewed energy of purpose, the well considered declarations of former Conventions upon the sectional issue of Domestic Slavery, and concerning the reserved rights of the States.

1. That Congress has no power under the Constitution, to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the abolitionists, or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

2. That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and therefore, the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the Compromise measures, settled by the Congress of 1850; "the act for reclaiming fugitives from service or labor," included; which act being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency.

3. That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question under whatever shape or color the attempt may be made.

4. That the Democratic party will faithfully abide by and uphold, the principles laid down in the Kentucky and Virginia resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature, in 1799: that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import.

And that we may more distinctly meet the issue on which a sectional party, subsisting exclusively on slavery agitation, now relies to test the fidelity of the people, north and south, to the Constitution and the Union—

1. *Resolved*, That claiming fellowship with, and desiring the co-operation of all who regard the preservation of the Union under the Constitution as the

paramount issue—and repudiating all sectional parties and platforms concerning domestic slavery, which seek to embroil the States and incite to treason and armed resistance to law in the Territories; and whose avowed purposes, if consummated, must end in civil war and disunion. The American Democracy recognize and adopt the principles contained in the organic laws establishing the Territories of Kansas and Nebraska as embodying the only sound and safe solution of the "slavery question" upon which the great national idea of the people of this whole country can repose in its determined conservatism of the Union—NON-INTERFERENCE BY CONGRESS WITH SLAVERY IN STATE AND TERRITORY, OR IN THE DISTRICT OF COLUMBIA.

2. That this was the basis of the Compromises of 1850—confirmed by both the Democratic and Whig parties in national Conventions—ratified by the people in the election of 1852—and rightly applied to the organization of Territories in 1854.

3. That by the uniform application of this Democratic principle to the organization of territories, and to the admission of new States, with or without domestic slavery, as they may elect—the equal rights of all the States will be preserved intact—the original compacts of the Constitution maintained inviolate—and the perpetuity and expansion of this Union insured to its utmost capacity of embracing, in peace and harmony, every future American State that may be constituted or annexed, with a republican form of government.

*Resolved*, That we recognize the right of the people of all the Territories, including Kansas and Nebraska, acting through the legally and fairly expressed will of a majority of actual residents, and whenever the number of their inhabitants justifies it; to form a Constitution, with or without domestic slavery, and be admitted into the Union upon terms of perfect equality with the other States.

*Resolved*, finally, That in the view of the condition of popular institutions in the Old World (and the dangerous tendencies of sectional agitation, combined with the attempt to enforce civil and religious disabilities against the rights of acquiring and enjoying citizenship, in our own land)—a high and sacred duty is devolved with increased responsibility upon the Democratic party of this country, as the party of the Union, to uphold and maintain the rights of every State, and thereby the Union of the States; and to sustain and advance among us constitutional liberty, by continuing to resist all monopolies and exclusive legislation for the benefit of the few, at the expense of the many, and by a vigilant and constant adherence to those principles and compromises of the Constitution, which are broad enough and strong enough to embrace and uphold the Union as it was, the Union as it is, and the Union as it shall be, in the full expansion of the energies and capacity of this great and progressive people.

1. *Resolved*, That there are questions connected with the foreign policy of this country, which are inferior to no domestic question whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and, by solemn manifestations, to place their moral influence at the side of their successful example.

2. *Resolved*, That our geographical and political position with reference to the other States of this continent, no less than the interest of our commerce and the development of our growing power, requires that we should hold as sacred the principles involved in the Monroe Doctrine: their bearing and import admit of no misconstruction; they should be applied with unbending rigidity.

3. *Resolved*, That the great highway which nature, as well as the assent of the States most immediately interested in its maintenance, has marked out

for a free communication between the Atlantic and the Pacific oceans, constitutes one of the most important achievements realized by the spirit of modern times and the unconquerable energy of our people. That result should be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with the relations it may suit our policy to establish between our government and the Governments of the States within whose dominions it lies. We can, under no circumstance, surrender our preponderance in the adjustment of all questions arising out of it.

4. *Resolved*, That, in view of so commanding an interest, the people of the United States can not but sympathize with the efforts which are being made by the people of Central America to regenerate that portion of the continent which covers the passage across the Inter-oceanic Isthmus.

5. *Resolved*, That the Democratic party will expect of the next Administration that every proper effort be made to insure our ascendancy in the Gulf of Mexico, and to maintain a permanent protection to the great outlets through which are emptied into its waters the products raised out of the soil, and the commodities created by the industry of the people of our Western valleys, and of the Union at large.

B. F. HALLETT, *Chairman*.

The following is the resolution with respect to overland communication with the Pacific:

*Resolved*, That the Democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication, by military and postal roads, through our own territory, between the Atlantic and Pacific coasts of this Union, and that it is the duty of the Federal Government to exercise promptly all its constitutional power for the attainment of that object.

The reading of the resolutions on Know-Nothingism and the Kansas-Nebraska question was followed by long continued and enthusiastic applause; in which every delegation joined in the most earnest manner.

Mr. Hallett—I am instructed by the Committee to lay these resolutions before the Convention.

W. F. Packer, of Pennsylvania—I move that this report and resolutions be unanimously adopted, without the crossing of a *t* or the dotting of an *i*.

[Great applause.]

Mr. Conway, of Virginia—I move that there be a division of the question, and that the Convention first act upon the resolutions relating to the domestic policy of the Nation. There were delegates here, especially from the State which he in part represented, who were not prepared to adopt all these resolutions; and it would be necessary to divide the body on the resolutions.

B. F. Butler, of Massachusetts—As this report is the unanimous result of the labors of a committee composed of delegates from all the States, and I believe embodies principles which have obtained the acquiescence of all the Democrats in every part of our Union, I shall move the previous question.

M. R. H. Garnett, of Virginia—I rise to a point of order. A division of the question has been asked by my colleague, that takes precedence.

Mr. Garnett: Before such resolutions are forced upon us—before they are forced upon the Democracy of the Old Dominion, which has steadily opposed the doctrines embraced in one of them—that Old Dominion which has never faltered in defense of the Democratic faith—before you force such resolutions upon us, I ask for a division of the question.

Several members here arose and called to order, and insisted that there could be no debate pending a call for the previous question.

Mr. Hibbard, of New Hampshire, said that the call for a division of the main question, under the rules of the House of Representatives, was in order after the previous question was demanded and sustained, and that any one member was entitled to have the main question divided.

The President said that the previous question having been demanded, the question first in order was, shall the call for the previous question be sustained? Then, if it was sustained, the question should be, shall the main question be now put? And if that was decided in the affirmative, the gentleman from Virginia was entitled to have the main question divided.

Mr. Phelps, of Missouri—Mr. President, I desire to suggest that the right of a delegation from a State, which casts thirty-five votes upon this floor, to be admitted, has not been settled, and I would ask whether it is not premature to adopt the resolutions just read before New York is heard. I think it is, and I appeal to the gentleman from Massachusetts to withdraw the call for the previous question, that I may move to postpone the further consideration of this platform until the New York contested case is decided.

Mr. Butler refused to withdraw the call for the previous question.

Mr. Avery, of North Carolina, moved that the Convention should first consider the resolutions reported, and acted upon by the committee, disregarding the extra resolution relative to a public road.

The Chair, however, would not entertain the motion, but the previous question being seconded, was put to the body, and the body sustained it by a large majority. The order was that the Convention would now vote upon the resolution relating to the domestic policy of the count.

The call was for a vote by States.

The States were severally called, and each delegation unanimously voted aye in favor of the resolutions. The Virginia and Mississippi delegations alone retired to consult, but returned with their unanimous approval of the resolutions.

When the North Carolina vote was announced, Mr. Avery, who was the organ of the delegation, remarked, "North Carolina gives ten votes for the resolutions, and will give ten thousand in November." [Applause.]

When Alabama was called, Gov. Chapman cried out, "Alabama votes nine votes for the resolutions, and in November, as usual, she will roll up her fifteen thousand Democratic majority." [Cheers.]

When Kentucky was called, the Hon. C. A. Wickliffe announced that Kentucky gave her twelve votes for the resolutions, and all she could promise would be a majority in November next. [Loud applause.]

The President then announced that the several delegations had voted unanimously, to-wit; two hundred and sixty-one votes in favor of the resolutions reported by the committee relating to the domestic policy of the country.

Mr. Wickliffe—Before we are called on to vote on the remaining portions of the resolutions, I think we should have time from now till three o'clock, in order that in a pure air and a clear atmosphere we may look at them with some degree of deliberation, and appreciate the importance of our action in either accepting or rejecting them. I ask for my State a recess until 4 o'clock. Rejected.

Mr. Phelps, of Mo., moved to adjourn to 4 o'clock. Lost, ayes 78, nays 193.

Mr. Meade, of Virginia, moved a recess for one hour. If the vote was taken on the other resolutions without a recess, he should ask leave for the Virginia delegation to retire, to consult for at least that time. Lost.

Mr. Ingersoll, of Connecticut, demanded that under the division of the question, the remaining resolutions should be voted on separately.

The President said that a vote upon each would be so taken.

Mr. Meade, of Virginia, asked leave for the delegation to retire for the purpose of consultation as to their action upon the remaining resolutions.

Leave was given by the Convention; and the same was requested for the like purpose by the delegations of Maryland and Missouri, which was acceded to.

On motion of Mr. Barksdale, of Mississippi, the Convention took a recess until two o'clock.

## AFTERNOON SESSION—JUNE 4TH.

The Convention met at two o'clock, and was called to order by the President.

In conformity with the resolution empowering the President to appoint a Sergeant-at-arms and two assistants, the following appointments were made: principal Sergeant-at-arms, George W. Palmer; assistants, John R. Johnson and Stephen S. Ayres.

Mr. Hibbard, of New Hampshire, moved to reconsider the vote on the first part of the report of the Committee on Resolutions, and that said motion be laid on the table. The motion prevailed unanimously.

The Chair then proceeded to take the vote on the questions relative to foreign policy. The first resolution was as follows:

1. *Resolved*, That there are questions connected with the foreign policy of this country which are inferior to no domestic questions whatever. The time has come for the people of the United States to declare themselves in favor of free seas and progressive free trade throughout the world, and, by solemn manifestations, to place their moral influence at the side of their successful example.

The vote by States being called, the following States voted unanimously in the affirmative:

Maine 8, New Hampshire 5, Vermont 5, Massachusetts 13, New Jersey 7, Pennsylvania 27, Virginia 15, North Carolina 10, South Carolina 8, Louisiana 6, Ohio 23, Indiana 13, Illinois 11, Missouri 9, Arkansas 4, Michigan 6, Florida 3, Texas 4, Iowa 4, Wisconsin 5, Kentucky 12.

The following States divided: Connecticut—1 aye, 5 nays; Tennessee—11 ayes, 1 nay. The following States voted in the negative: Rhode Island 4, Delaware 3, Maryland 6, Georgia 10.

The Chair proclaimed the resolution adopted, by 230 ayes, 29 nays.

The second resolution, which is as follows, was then voted on by States:

2. *Resolved*, That our geographical and political position with reference to other States of this continent, no less than the interest of our commerce, and the development of our growing power, requires that we should hold as sacred the principles involved in the Monroe doctrine; their bearing and import admit of no misconstruction; they should be applied with unbending rigidity.

The following was the vote:

**AYES**—Maine, New Hampshire, Vermont, Massachusetts 12, Connecticut, New Jersey, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia 6, Alabama, Mississippi, Louisiana, Ohio, Kentucky, Tennessee 11, Indiana, Illinois, Missouri, Arkansas, Michigan, Florida, Texas, Iowa, Wisconsin, California—239.

**NAYS**—Massachusetts 1, Rhode Island 4, Delaware, Maryland, Georgia 4, Tennessee 1—21.

C. A. Wickliffe, of the Kentucky delegation, asked leave to change their vote on first resolution from the negative to the affirmative. Granted. [Applause.]

The Mississippi delegation asked leave to change their vote to the affirmative, which was granted. [Applause.]

The vote was then taken on the following resolution :

*Resolved*, That the great highway which nature, as well as the assent of the States meet immediately interested in its maintenance, has marked out for free communication between the Atlantic and the Pacific Oceans, constitutes one of the most important achievements realized by the spirit of modern times and the unconquerable energy of our people. That result should be secured by a timely and efficient exertion of the control which we have the right to claim over it, and no power on earth should be suffered to impede or clog its progress by any interference with the relations it may suit our policy to establish between our government and the governments of the States within whose dominions it lies. We can, under no circumstances surrender our preponderance in the adjustment of all questions arising out of it.

**AYES**—Maine 7, New Hampshire, Vermont, Massachusetts. Connecticut 4, New Jersey, 7, Pennsylvania 27, North Carolina 10, Georgia 10, Alabama 9, Mississippi 7, Tennessee 7, Indiana 13, Illinois 11, Missouri 9, Arkansas 4, Michigan 6, Florida 3, Texas 4, Iowa 4, Wisconsin 5, California 4, Louisiana 6, Ohio 23—180.

**NAYS**—Maine 1, Rhode Island 4, Connecticut 2, Delaware 3, Maryland 6, Virginia 15, South Carolina 8, Kentucky 12, Tennessee 5—56.

The vote by States was then taken on the following resolution :

*Resolved*, That in view of so commanding an interest, the people of the United States cannot but sympathize with the efforts which are being made by the people of Central America to regenerate that portion of the continent which covers the passage across the Inter-oceanic Isthmus.

**AYES**—Maine 8, New Hampshire 5, Vermont 5, Massachusetts 13, Connecticut 4, New Jersey 7, Pennsylvania 27, Virginia 15, North Carolina 9, Georgia 10, Alabama 9, Mississippi 7, Louisiana 6, Ohio 23, Tennessee 10, Indiana 13, Illinois 11, Missouri 9, Arkansas 4, Michigan 6, Florida 3, Texas 4, Iowa 4, Wisconsin 5, California 4—221.

**NAYS**—Rhode Island 4, Connecticut 2, Delaware 3, Maryland 6, North Carolina 1, South Carolina 8, Kentucky 12, Tennessee 2—38.

The vote was then taken by States, on the following resolution :

*Resolved*, That the Democratic party will expect of the next administration that every proper effort will be made to insure our ascendancy in the Gulf of Mexico, and to maintain a permanent protection to the great outlets through which are emptied into its waters the products raised out of the soil, and the commodities created by the industry of the people of our Western valleys and the Union at large.

**AYES**—Maine 7, New Hampshire 5, Vermont 5, Massachusetts 11, Connecticut 4, New Jersey 7, Pennsylvania 27, Virginia 15, North Carolina 9, Georgia 10, Alabama 9, Mississippi 7, Louisiana 6, Ohio 23, Kentucky 12, Tennessee 9, Indiana 13, Illinois 11, Missouri 9, Arkansas 4, Michigan 6, Florida 3, Texas 4, Iowa 4, Wisconsin 5, California 4—229.

**NAYS**—Maine 1, Massachusetts 2, Rhode Island 4, Connecticut 2, Delaware 4, Maryland 8, North Carolina 1, South Carolina 8, Tennessee 3—33.

The following resolution then coming up, H. Salisbury, of Delaware, moved to lay it on the table :

*Resolved*, That the Democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication by military and postal roads, through our own territory, between the Atlantic and Pacific coasts of this Union, and that it is the duty of the Federal Government to exercise promptly all its constitutional powers for the attainment of that object.

On this motion the vote was as follows :

**AYES**—Maine 1; New Hampshire 4, Massachusetts 17, Rhode Island 4, Connecticut 6, New Jersey 7, Pennsylvania 27, Delaware 3, Virginia 15, North Carolina 10, South Carolina 8, Georgia 6, Alabama (under protest of Judge Clitherall) 9, Mississippi 7, Ohio 16, Kentucky 8, Tennessee 3, Florida 3—154 yeas.

**NAYS**—Maine 7, New Hampshire 1, Vermont 5, Massachusetts 12, Maryland 6, Georgia 4, Louisiana 6, Ohio 6, Kentucky 4, Tennessee 9, Indiana 13, Illinois 11, Missouri 9, Arkansas 4, Michigan 6, Texas 4, Iowa 4, Wisconsin 5, California 4—120 nays.

So the resolution was laid on the table.

Mr. Colquitt, of Georgia, moved to reconsider the vote on the three last resolutions on the foreign policy of the Government, and G. W. Peck, of Michigan, moved to lay on the table the motion to reconsider.

On this motion the vote was as follows :

**YEAS**.—Maine, 8; New Hampshire, 5; Vermont, 5; Massachusetts, 5; New Jersey, 7; Pennsylvania, 27; Maryland, 1; North Carolina, 10; Mississippi, 7; Louisiana, 6; Ohio, 23; Tennessee, 10; Indiana, 13; Illinois, 11; Missouri, 9; Arkansas, 4; Michigan, 6; Florida, 3; Texas, 4; Iowa, 4; Wisconsin, 5; California, 4—171.

**NAYS**.—Massachusetts, 4; Rhode Island, 4; Connecticut, 6; Delaware, 3; Maryland, 7; Virginia, 15; South Carolina, 8; Georgia, 9; Alabama, 9; Kentucky, 12; Tennessee, 2—79.

So the motion to reconsider was laid on the table.

Mr. Meade, of Virginia, offered the following resolution :

*Resolved*, That the resolutions in regard to the foreign policy of this Government are the expressions of opinion of this Convention, and are not to be exacted as articles of party faith.

G. W. Peck, of Michigan, objected that this resolution could not be entertained, but must, under the rules, go to the Committee on Resolutions.

Mr. Meade—after in vain asking to be heard on the resolution, the Chair deciding that the question could not be debated, but must go to the committee—moved that the rules be suspended.

A vote by States was called for and resulted as follows :

**AYES**.—Delaware, 3; Maryland, 7; Virginia, 15; South Carolina, 8; Kentucky, 12; Tennessee, 9; Missouri, 9; Arkansas, 4; Florida, 3; Texas, 4—74.

**NAYS**.—Maine, 8; New Hampshire, 5; Vermont, 5; Massachusetts, 13; Rhode Island, 4; Connecticut, 6; New Jersey, 7; Pennsylvania, 27; Maryland, 1; North Carolina, 10; Georgia, 10;

Alabama, 9 ; Mississippi, 7 ; Louisiana, 6 ; Ohio, 23 ; Tennessee, 3 ; Indiana, 18 ; Illinois, 11 ; Michigan, 6 ; Iowa, 4 ; Wisconsin, 5 ; California, 4—171.

So the motion to suspend was lost, and the resolution was referred to the Committee on Resolutions.

Mr. Lowe, of Maryland, sent to the Chair the following resolution, adopted by the Maryland Delegation, which he had been instructed to present, as explanatory of the vote of that State, and to ask that the same be spread on the records of the Convention. No objection being made, it was so ordered :

*Resolved.* That without expressing any opinion in regard to the principles involved in the last five resolutions of the proposed platform, we deem it inexpedient to adopt said resolutions as part of said platform, and that the Chairman of this Delegation be directed to cast its vote in the negative upon said resolution, and that he is further instructed at the proper time to request the reading of this resolution to the Convention, as the ground upon which the action of this Delegation is based.

Judge Borden, of Indiana, moved the following resolution :

*Resolved.* That a committee of one from each State, to be selected by the Delegates thereof, be appointed to report the names of persons to constitute the Democratic National Committee, and the mode of constituting and calling the next Democratic Convention. Adopted.

The following names were proposed under this resolution by the various delegations :

Maine, Dudley F. Leavitt.  
New Hampshire, J. H. Smith.  
Vermont, John Cain.  
Massachusetts, Whiting Griswold.  
Rhode Island, William J. Miller.  
Connecticut, J. P. C. Mather.  
New York,  
New Jersey, John W. Mickle.  
Pennsylvania, H. D. Foster.  
Delaware, Henry Ridgely.  
Maryland, E. Hamilton.  
Virginia, Archibald Graham.  
North Carolina, Burton Craige.  
South Carolina, B. H. Wilson.  
Georgia, John H. W. Underwood.  
Alabama, James R. Powell.

Mississippi, O. R. Singleton.  
Louisiana, W. W. Pugh.  
Ohio, Wm. Lawrence.  
Kentucky, T. C. McCreery.  
Tennessee, T. M. Jones.  
Indiana, G. T. Cookerly.  
Illinois, W. Cockle.  
Missouri, William Watson.  
Arkansas, Jordan N. Embree.  
Michigan, A. E. Campbell.  
Florida, C. E. Dyke.  
Texas, William Fields.  
Iowa, D. H. Solomons.  
Wisconsin, M. J. Thomas.  
California, D. E. Buel.

A delegate, calling attention to the quantity of work already done, and that the Committee on Credentials not being ready to report on the New York controversy, moved that the Convention adjourn.

Mr. Hibbard, of Texas, was enforcing the necessity of having a full vote on the great question of selecting the Presidency, when he was interrupted by Mr. Petit, of Indiana, who said :

Mr. President—If the New Yorkers are not ready to come into the Convention and participate with us in its labors, there are other States that are ready, and I move that we proceed to vote for the candidate for the Presidency and Vice Presidency.

Mr. Hibbard resumed—The motion is to proceed to vote for a candidate for President and Vice President. In the Baltimore Convention of 1852, when there were contested votes from New York and Georgia, the Convention decided that it would not proceed to the nomination of a candidate for the Presidency, until the contested elections were determined. New York sends two sets of delegates, whose claims are under consideration by the Committee on Credentials. Whatever may be the decision, at least one of the delegations will be entitled to a seat, and perhaps both. New York has a right to be heard on the momentous question of the nomination of a candidate for the Presidency. We thought that there was sufficient soundness in the Democracy of New York to recognize the platform adopted by the Convention without the formality of their voting. But on the nomination of the candidates we have no right to deny them a hearing. I trust that the gentleman will withdraw his motion.

Mr. Petit withdrew his motion.

H. Salisbury, of Delaware—Sir, we have done more to-day than has generally been done by Democratic Conventions. We have gone, in the adoption of our resolutions, beyond the precedents of previous Conventions. It would be wise for us not to proceed further and too rapidly, but to act calmly and discreetly; and he was therefore in favor of adjourning to hear the Committee on Credentials.

H. B. Wright, of Pennsylvania, said he was one of the Committee on Credentials, and the committee had been much engaged in hearing the parties in the contested case of New York, but that it would be prepared to make a report on to-morrow at two o'clock.

Mr. Wilson, of Iowa, was in favor of adjourning, but he added that he was against waiting any longer on those gentlemen who could not settle their quarrels at home. He would not wait a day longer for them than to-morrow. If they were not prepared to come into the Convention and arrange their difficulties after a reasonable time he hoped that the other States would proceed to perform their duty, and discharge the trust for which they were sent here.

The vote to adjourn to to-morrow 10 o'clock, A. M. was then taken and carried.

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#### FOURTH DAY'S PROCEEDINGS.

MORNING SESSION, June 5th, 1856.

At 10 o'clock the President called the Convention to order.

Mr. J. W. Stevenson, of Kentucky, after some preliminary remarks, offered, on the part of a majority of the Committee on Credentials, the following resolutions:

*Resolved*, That it is the duty of the entire Democracy of New York to unite; and, as a beginning of that union, that the two delegations from that State be now consolidated.

*Resolved*, That that portion of the Democracy of New York represented by the delegation, of which the Hon. Horatio Seymour is chairman, are entitled, on the score of numbers, to forty-four delegates, and that portion of the Democracy represented by the delegations, of which the Hon. Samuel Beardsley is Chairman, is entitled on the score of numbers to twenty-six delegates in the Convention, and that said delegation be admitted in proportion aforesaid to seats in the Convention, the persons so to be admitted to be designated by the respective delegations, and that, in counting the vote of the State of New York in the Convention, the minority shall not be subject to the majority without their consent.

*Resolved*, That the delegation from New York, when admitted, be permitted to record their votes upon the resolutions adopted yesterday by the Convention.

Mr. James A. Bayard, on behalf of the minority of the Committee on Credentials, offered the following resolution as a substitute for those presented by Mr. Stevenson:

*Resolved*, That the two delegations from New York be authorized to select each thirty-five delegates, and that the seventy delegates thus selected be admitted as the delegation of the two sections of the New York Democracy to this Convention, and that they be allowed one hour to report their selections. The two delegations to vote separately, each to be entitled to seventeen votes, the remaining vote of this State to be cast alternately by the two delegations, the South casting it the first time.

Mr. Butler, of Massachusetts, moved the adoption of the majority resolutions and called for the previous question.

At the request of Mr. Richardson, said motion was withdrawn.

Mr. McLane, of Maryland, rose to a point of order, and submitted that the gentleman from Massachusetts had not the power to demand the previous question upon the majority resolutions. The resolution of Mr. Bayard, of Delaware, being an amendment, the vote on that must be first taken.

Mr. Meade, of Virginia, concurred in this view and he had before risen to say so. As the resolution of Mr. Bayard would be first voted upon, he would move the previous question.

The Convention sustained the call for the previous question, and the President decided that the main question should now be put, first upon the minority resolution of Mr. Bayard, of Delaware.

Pending the call of the roll, Mr. Robinson, of Indiana, moved to lay the whole subject on the table.

The President sustained the motion, it being to lay the whole subject upon the table.

The vote being taken on this motion by States, resulted as follows:

**AYES.**—Massachusetts 2; New Jersey, 4; South Carolina, 8; Louisiana, 6; Ohio, 1; Kentucky, 7; Indiana, 13; Arkansas, 3. Total, 44.

**NAYS.**—Maine, 8; New Hampshire, 5; Vermont, 5; Massachusetts, 11; Rhode Island, 4; Connecticut, 6; New Jersey, 3; Pennsylvania, 27; Delaware, 3; Maryland, 8; Virginia, 15; North Carolina, 10; Georgia, 10; Alabama, 9; Mississippi, 7; Ohio, 22; Kentucky 12; Tennessee, 5; Arkansas, 1; Illinois, 11; Missouri, 9; Michigan, 6; Florida, 3; Texas, 4; Iowa, 4; Wisconsin, 5; California, 4. Total, 217.

The motion being lost, the question came upon the adoption of the minority resolution of the Committee on Credentials, reported by Mr. Bayard, and the vote being called by States, resulted as follows :

**AYES.**—Maine, 6; Massachusetts, 3; Rhode Island, 1; Connecticut, 6; New Jersey, 6; Pennsylvania, 27; Delaware, 3; Maryland, 6; Virginia, 15; Georgia, 4; Ohio, 10; Kentucky, 6; Tennessee, 10; Indiana, 13; Missouri, 6; Arkansas, 2; Texas, 3; Wisconsin, 5; California, 4. Total, 137.

**NAYS.**—Maine, 2; New Hampshire, 5; Vermont, 5; Massachusetts, 10; Rhode Island, 3; New Jersey, 1; Maryland, 2; North Carolina, 10; South Carolina, 8; Georgia, 6; Alabama, 9; Mississippi, 7; Louisiana, 6; Ohio, 13; Kentucky, 5; Tennessee, 2; Illinois, 11; Missouri, 3; Arkansas, 2; Michigan, 6; Florida, 3; Iowa, 4. Total, 123.

The President proclaimed the resolution of the minority, reported by Mr. Bayard, as adopted.

Mr. Preston, of Kentucky, moved to reconsider this vote, and that the motion lay on the table. Adopted.

The question was then put on the adoption of the resolution as amended, and the same was carried.

Mr. Preston moved to reconsider this vote, and that the motion lie on the table. Adopted.

Mr. Preston moved that a committee of seven of the Convention be appointed to wait upon the New York delegations, and inform them of the decision of the Convention.

The Chair announced the following as the committee to wait on the New York delegations and acquaint them with the decision of the Convention :

Preston, of Kentucky; Butler, of Massachusetts; Richardson, of Illinois; Gardner, of Georgia; Meade, of Virginia; Wickliffe, of Kentucky; Pickens, of South Carolina.

George McCook of Ohio, moved the following resolution :

*Resolved*, That at two o'clock P. M., this day, this Convention will proceed, by a call of the States, to nominate a candidate for the Presidency. [Adopted.]

On motion the Convention then took a recess until two o'clock, P. M.

#### AFTERNOON SESSION, JUNE 5, 1856.

Mr. Preston, of Kentucky, reported from the committee to acquaint the New York Delegations of the decision of the Convention in the New York contest, that the committee had performed their duty, and that the contesting delegations had declared their acquiescence in the decision, and would be prepared to comply with it.

The following is the list of Delegates, from New York, as reported to the Convention by the respective delegations from that State.

The delegation of which Hon. Horatio Seymour was at the head

Horatio Seymour, of *Utica*,  
Nicholas Hill, Jr., *Albany*,  
Wm. H. Ludlow,  
Samuel E. Johnson,  
Thomas Byrns,  
George H. Purser,  
Stephen H. Peck,  
John Cochran, *New York*,  
Lorenzo B. Shepherd, *do.*,  
Daniel F.  
J. N. Fowler, *New York*,  
John C. Holley,  
Thomas R. Westbrook,  
Dean Richmond, *Buffalo*,  
Charles L. McArthur,  
John V. L. Pruyn, *Albany*,  
Lemuel L. Jenks,  
Timothy Hoyle,

William C. Crain,  
John C. Wright,  
Horatio Bullard,  
John Stryker,  
Horace G. Prindle,  
Sands N. Kenyon,  
DeWitt C. West,  
Dennis McCarthy,  
Elmore P. Ross,  
William C. Dyer,  
John J. Taylor,  
William C. Rhodes,  
Simon B. Jewett,  
L. P. Weatherby,  
William Vandervert,  
Israel T. Hatch,  
N. Sackett.

The delegation of which the Hon. Samuel Beardsley was at the head, was

Samuel Beardsley, *Utica*,  
George W. Clinton, *Buffalo*,  
Legrand G. Capers,  
Henry C. Murphy,  
Joseph Blackburn,  
Thomas Wheeler,  
Robert W. Allen,  
Augustus Schell, *New York*,  
Elijah Ward,  
Daniel B. Taylor, *New York*,  
Robert H. Ludlow,  
Samuel Fowler,  
William F. Russell,  
George W. Petton,  
David L. Seymour, *Troy*,  
David Hamilton,  
Orville Clark, *Sandy Hill*,  
Putnam B. Fisk,

Charles Gray,  
Thomas B. Mitchell,  
Samuel S. Brown,  
John Rice,  
Auburn Birdsall, *Binghamton*,  
Delos DeWolf,  
Lysander H. Brown,  
John J. Peck,  
Charles W. Pomeroy,  
Wm. Clark,  
Erastus Evans,  
John A. Vanderlip,  
Nicholas E. Pain,  
James G. Shepherd,  
Harvey Goodrich,  
Henry A. Rogers, *Buffalo*,  
Benjamin Walworth.

Mr. Inge, of California, moved that the resolution relative to the establishment of a public road across our territory be reconsidered.

Mr. Thompson, of Mississippi, insisted that the motion was not in order; that by the decision of the Convention this morning, the order of the hour was to ballot for the Presidency.

The President so decided.

Mr. Calhahan, of Pennsylvania, arose to a privileged question. The New York delegation had been admitted, but they had not yet signified their acquiescence in the platform, and they ought to be permitted to do so. [Applause. Yes, yes.]

Mr. Meade, of Virginia, then moved that New York be now permitted to vote on the resolutions constituting the platform, which motion was unanimously adopted.

New York was then called for her vote on said resolutions, and by her respective Chairmen, cast her entire *thirty-five* votes in the affirmative, which was received with *great applause*.

Mr. Inge, of California, moved for a suspension of the rules, with a view to reconsider the vote laying upon the table, the resolution in favor of an overland communication between the Atlantic and Pacific coasts—and he called for a vote by States.

Ayes:—Maine 1, Vermont 5, Massachusetts 11, New York 35, Maryland 8, Georgia 1, Louisiana 6, Ohio 6, Tennessee 5, Illinois 11, Missouri 9, Michigan 6, Texas 4, Iowa 4, Wisconsin 5, California 4—121.

Noes:—Maine 7, New Hampshire 5, Massachusetts 2, Rhode Island 4, Connecticut 6, New Jersey 7, Pennsylvania 27, Delaware 3, Virginia 15, North Carolina 10, South Carolina 8, Georgia 9, Alabama 9, Mississippi 7, Ohio 17, Kentucky 12, Tennessee 7, Iowa 13, Arkansas 4, Florida 3—176.

So the motion to suspend the rules was lost.

Mr. Ludlow, of New York, alluding to the conciliatory spirit which had influenced the Convention in its action on the question so happily adjusted, asked that in the same spirit the Convention would not suffer some seventy good Democrats, who had been sent here as delegates, to wander through the streets of Cincinnati without permission to enter the hall.

The President decided that the gentleman was out of order.

The Chair then announced that the order of the hour was the vote on the nomination for Presidency.

R. Kidder Meade, of Virginia—I am charged by my delegation with the duty of presenting to this Convention, as a candidate for the Presidency, the name of that honest and eminent statesman, James Buchanan. [Applause.]

Harry Hibbard, of New Hampshire—In the name of the Democracy of New Hampshire I present the name of Franklin Pierce. [Applause.]

Mr. Inge, of California—I am unanimously instructed by the delegation from California to put in nomination the great champion of American progress, Lewis Cass, of Michigan. [Applause.]

Mr. Richardson—I propose Stephen A. Douglas, of Illinois, & the nomination for the Presidency. [Applause.]

The Convention then proceeded to vote for a candidate for President. The first ballot was as follows :

## 1st BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	5	3		
New Hampshire..	5	3		
Vermont.....	4	3		
Massachusetts....	4	3		
Rhode Island.....	6	4		
Connecticut.....	17	18		
New York.....	7			
New Jersey.....	27			
Pennsylvania.....	3			
Delaware.....	6	2		
Maryland.....	15			
Virginia.....		10		
North Carolina...		8		
South Carolina...		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....		4	4	1
Louisiana.....		3		
Ohio.....	13	12		
Kentucky.....	4			
Tennessee.....	13			
Indiana.....			11	
Illinois.....			9	
Missouri.....		4		
Arkansas.....	6	3		
Michigan.....		4		
Florida.....			4	
Texas.....			2	
Iowa.....	3		2	
Wisconsin.....				4
California.....				
	135	122	33	5

There being no choice the Chair ordered a 2d ballot.

## 2d BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	5	3		
New Hampshire..	5	3		
Vermont.....	4	3		
Massachusetts....	4	3		
Rhode Island.....	6	4		
Connecticut.....	13	17		
New York.....	7			
New Jersey.....	27			
Pennsylvania.....	3			
Delaware.....	6	2		
Maryland.....	15			
Virginia.....		10		
North Carolina...		8		
South Carolina...		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....		4	4	2
Louisiana.....		3		
Ohio.....	12	12		
Kentucky.....	5			
Tennessee.....	13			
Indiana.....			11	
Illinois.....			9	
Missouri.....		4		
Arkansas.....	6	3		
Michigan.....		4		
Florida.....			2	
Texas.....			2	
Iowa.....	3			4
Wisconsin.....				
California.....				
	139	110	31	6

There being no choice a 3d ballot was ordered.

## 3d BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	5	3		
New Hampshire..	5	3		
Vermont.....	4	3		
Massachusetts....	4	3		
Rhode Island.....	6	4		
Connecticut.....	17	18		
New York.....	7			
New Jersey.....	27			
Pennsylvania.....	3			
Delaware.....	6	2		
Maryland.....	15			
Virginia.....		10		
North Carolina...		8		
South Carolina...		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....		4	4	1
Louisiana.....		3		
Ohio.....	13	12		
Kentucky.....	4			
Tennessee.....	13			
Indiana.....			11	
Illinois.....			9	
Missouri.....		4		
Arkansas.....	6	3		
Michigan.....		4		
Florida.....			4	
Texas.....			2	
Iowa.....	3			
Wisconsin.....				4
California.....				
	136	119	33	5

A 4th ballot was then had.

## 4th BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	5	3		
New Hampshire..	5	3		
Vermont.....	4	3		
Massachusetts....	4	3		
Rhode Island.....	6	4		
Connecticut.....	13	17		
New York.....	7			
New Jersey.....	27			
Pennsylvania.....	3			
Delaware.....	6	2		
Maryland.....	15			
Virginia.....		10		
North Carolina...		8		
South Carolina...		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....		4	4	1
Louisiana.....		3		
Ohio.....	13	12		
Kentucky.....	5			
Tennessee.....	13			
Indiana.....			11	
Illinois.....			9	
Missouri.....		4		
Arkansas.....	6	3		
Michigan.....		4		
Florida.....			4	
Texas.....			2	
Iowa.....	3			
Wisconsin.....				4
California.....				
	141	119	30	5

A 5th ballot was then directed.

## 5th BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	5			
New Hampshire.....				
Vermont.....	5			
Massachusetts.....		4		
Rhode Island.....	6			
Connecticut.....	17	13		
New York.....	27			
New Jersey.....	27			
Pennsylvania.....	6			
Delaware.....		2		
Maryland.....	15			
Virginia.....		10		
North Carolina.....		8		
South Carolina.....		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....			5	11
Louisiana.....			4	
Ohio.....	13	4		
Kentucky.....	17	12		
Tennessee.....	13			
Indiana.....			11	
Illinois.....			9	
Missouri.....		4		
Arkansas.....	6			
Michigan.....		3		
Florida.....		4		
Texas.....	2		2	
Iowa.....	5			
Wisconsin.....				4
California.....				
	140	119	31	51

A 6th ballot was then had.

## 6th BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	5			
New Hampshire.....				
Vermont.....	5			
Massachusetts.....		4		
Rhode Island.....	6			
Connecticut.....	18	17		
New York.....	27			
New Jersey.....	27			
Pennsylvania.....	3			
Delaware.....		2		
Maryland.....	15			
Virginia.....		10		
North Carolina.....		8		
South Carolina.....		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....	6		5	11
Louisiana.....	13	3	1	
Ohio.....	51	51		
Kentucky.....	12			
Tennessee.....	13			
Indiana.....			11	
Illinois.....			9	
Missouri.....		4		
Arkansas.....	6			
Michigan.....		3		
Florida.....		4		
Texas.....	2		2	
Iowa.....	5			
Wisconsin.....				4
California.....				
	155	107	28	51

A 7th ballot was then taken.

## 7th BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	5			
New Hampshire.....				
Vermont.....	6			
Massachusetts.....		4		
Rhode Island.....	6			
Connecticut.....	17	18		
New York.....	27			
New Jersey.....	27			
Pennsylvania.....	3			
Delaware.....		2		
Maryland.....	15			
Virginia.....		10		
North Carolina.....		8		
South Carolina.....		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....	6		4	11
Louisiana.....	13	4	8	
Ohio.....	31		12	
Kentucky.....	13		11	
Tennessee.....			9	
Indiana.....			4	
Illinois.....				4
Missouri.....				
Arkansas.....	6			
Michigan.....		3		
Florida.....		4		
Texas.....	2		2	
Iowa.....	5			
Wisconsin.....				
California.....				
	143	89	58	51

The States were then called for the 8th ballot.

## 8th BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine.....	6			
New Hampshire.....				
Vermont.....	6			
Massachusetts.....		4		
Rhode Island.....	6			
Connecticut.....	18	17		
New York.....	27			
New Jersey.....	27			
Pennsylvania.....	3			
Delaware.....		2		
Maryland.....	15			
Virginia.....		10		
North Carolina.....		8		
South Carolina.....		10		
Georgia.....		9		
Alabama.....		7		
Mississippi.....	6		4	11
Louisiana.....	13	4	8	
Ohio.....	51		12	
Kentucky.....	13		11	
Tennessee.....			9	
Indiana.....			4	
Illinois.....				4
Missouri.....				
Arkansas.....	6			
Michigan.....		3		
Florida.....		4		
Texas.....	2		2	
Iowa.....	5			
Wisconsin.....				
California.....				
	147	87	58	51

After the result of the 8th ballot Mr. Yates moved an adjournment, which was lost, and the 9th ballot ordered.

## 9TH BALLOT FOR PRESIDENT.

STATES.	Buchanan.	Pierce.	Franklin Douglas.	Stephen A. Douglass.	Lewis Cass.
Maine.....	6	2			
New Hampshire,		5			
Vermont.....		5			
Massachusetts...	6	7			
Rhode Island...		4			
Connecticut...	6				
New York.....	17	18			
New Jersey.....	7				
Pennsylvania...	27				
Delaware.....	3				
Maryland.....	7	1			
Virginia.....	15				
North Carolina..		10			
South Carolina..		8			
Georgia.....	3		7		
Alabama.....		9			
Mississippi.....		7			
Louisiana.....	6				
Ohio.....	13	4	3	3	
Kentucky.....	4		8		
Tennessee.....			12		
Indiana.....	13				
Illinois.....			11		
Missouri.....			9		
Arkansas.....			4		
Michigan.....	6				
Florida.....		3			
Texas.....		4			
Iowa.....	2		2		
Wisconsin.....	5				
California.....				4	
	146	87	56	7	

The 10th ballot was then taken.

## 10TH BALLOT FOR PRESIDENT.

STATES.	Buchanan.	Pierce.	Franklin Douglas.	Stephen A. Douglass.	Lewis Cass.
Maine.....	6	2			
New Hampshire,		5			
Vermont.....				5	
Massachusetts...	6	7			
Rhode Island...		4			
Connecticut...	6				
New York.....	18	17			
New Jersey.....	7				
Pennsylvania...	27				
Delaware.....	3				
Maryland.....	7	1			
Virginia.....	15				
North Carolina..		10			
South Carolina..		8			
Georgia.....	3		7		
Alabama.....		9			
Mississippi.....		7			
Louisiana.....	6				
Ohio.....	13	3	5	1	
Kentucky.....	4		7		
Tennessee.....			12		
Indiana.....	13				
Illinois.....			11		
Missouri.....			9		
Arkansas.....			4		
Michigan.....	6				
Florida.....		3			
Texas.....		4			
Iowa.....	2		2		
Wisconsin.....	5				
California.....				4	
	147	80	62	5	

The 11th ballot was then taken.

## 11TH BALLOT FOR PRESIDENT.

STATES.	Buchanan.	Pierce.	Franklin Douglas.	Stephen A. Douglass.	Lewis Cass.
Maine.....	6	2			
New Hampshire,		5			
Vermont.....				5	
Massachusetts...	6	7			
Rhode Island...		4			
Connecticut...	6				
New York.....	17	18			
New Jersey.....	7				
Pennsylvania...	27				
Delaware.....	3				
Maryland.....	8				
Virginia.....	15				
North Carolina..		10			
South Carolina..		8			
Georgia.....	3		7		
Alabama.....		9			
Mississippi.....		7			
Louisiana.....	6				
Ohio.....	13	3	5	1	
Kentucky.....	4		7		
Tennessee.....			12		
Indiana.....	13				
Illinois.....			11		
Missouri.....					
Arkansas.....					
Michigan.....	6				
Florida.....		3			
Texas.....		4			
Iowa.....	2		2		
Wisconsin.....	5				
California.....				4	
	147	80	63	5	

The States were called for the 12th ballot.

## 12TH BALLOT FOR PRESIDENT.

STATES.	Buchanan.	Pierce.	Franklin Douglas.	Stephen A. Douglass.	Lewis Cass.
Maine.....	6	2			
New Hampshire,		5			
Vermont.....				5	
Massachusetts...	6	7			
Rhode Island...		4			
Connecticut...	6				
New York.....	18	17			
New Jersey.....	7				
Pennsylvania...	27				
Delaware.....	3				
Maryland.....	8				
Virginia.....	15				
North Carolina..		10			
South Carolina..		8			
Georgia.....	3		7		
Alabama.....		9			
Mississippi.....		7			
Louisiana.....	6				
Ohio.....	13	3	5	1	
Kentucky.....	4		7		
Tennessee.....			12		
Indiana.....	13				
Illinois.....			11		
Missouri.....			9		
Arkansas.....			4		
Michigan.....	6				
Florida.....		3			
Texas.....		4			
Iowa.....	2		2		
Wisconsin.....	5				
California.....				4	
	148	79	65	5	

After the 12th ballot Mr. Burnett, of Alabama, moved an adjournment; but objection being made, it was withdrawn and the 13th ballot called for.

13TH BALLOT FOR PRESIDENT.				
STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Levi C. Chase.
Maine,.....	6	5		
New Hampshire,		5	5	
Vermont,.....				
Massachusetts,...	64	64		
Rhode Island,...	2	2		
Connecticut,....	6			
New York,.....	17	18		
New Jersey, ....	7			
Pennsylvania,...	27			
Delaware,.....	3			
Maryland,.....	8			
Virginia,.....	15			
North Carolina, ..		10		
South Carolina, ..		8		
Georgia,.....	3		7	
Alabama,.....		9		
Mississippi,.....		7		
Louisiana,.....	6			
Ohio,.....	13	3	51	11
Kentucky,.....	44		74	
Tennessee,.....			12	
Indiana,.....	13			
Illinois,.....			11	
Missouri,.....			9	
Arkansas,.....			4	
Michigan,.....	6			
Florida,.....		3		
Texas,.....		4		
Iowa,.....	2		9	
Wisconsin,.....	5			
California,.....				4
	150	774	63	51

AFTER THE 13TH BALLOT, Mr. McMullen, of Virginia, moved an adjournment. The vote by States being called for, resulted as follows :

YEAS.—New Hampshire, 5 ; Vermont, 5 ; Rhode Island, 4 ; New York, 17 ; North Carolina, 5 ; South Carolina, 8 ; Georgia, 10 ; Alabama, 9 ; Mississippi, 7 ; Ohio, 8 ; Kentucky, 5 ; Tennessee, 12 ; Illinois, 11 ; Missouri, 9 ; Arkansas, 4 ; Florida, 3 ; Texas, 4 ; Iowa, 2 ; California, 4—Total 32

NAYS.—Maine, 8 ; Massachusetts, 13 ; Connecticut, 6 ; New York, 18 ; New Jersey, 7 ; Pennsylvania, 27 ; Delaware, 3 ; Maryland, 8 ; Virginia, 15 ; North Carolina, 5 ; Louisiana, 6 ; Ohio, 15 ; Kentucky, 7 ; Indiana, 13 ; Michigan, 6 ; Iowa, 2 ; Wisconsin, 5. Total, 164. So the motion was lost.

## 14TH BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine,.....	3	2		
New Hampshire,.....		5		
Vermont,.....			3	
Massachusetts,....	7	6		
Rhode Island,....	4			
Connecticut,....	6			
New York,.....	17	18		
New Jersey, ....	7			
Pennsylvania,....	27			
Delaware,.....	3			
Maryland,.....	8			
Virginia,.....	15			
North Carolina, ..		10		
South Carolina, ..		8		
Georgia,.....	3		7	
Alabama,.....		9		
Mississippi,.....		7		
Louisiana,.....	6			
Ohio,.....	13	3	5½	1½
Kentucky,.....	4½		7½	
Tennessee,.....			12	
Indiana,.....	13			
Illinois,.....			11	
Missouri,.....			9	
Arkansas,.....			4	
Michigan,.....	6			
Florida,.....		3		
Texas,.....		4		
Iowa,.....	2		2	
Wisconsin,.....	5			
California,.....				4
	152½	75	63	5½

AFTER THE 14TH BALLOT, Mr. Flournoy, of Arkansas, moved that the Convention do now adjourn until to-morrow morning at 9 o'clock. A call for votes by States being made, resulted as follows :

YEAS.—Maine, 1 ; New Hampshire, 5 ; Vermont, 5 ; Massachusetts, 8 ; Rhode Island, 4 ; New York, 17 ; New Jersey, 7 ; Pennsylvania, 27 ; Delaware 5 ; Virginia, 15 ; North Carolina, 10 ; South Carolina, 8 ; Georgia, 9 ; Alabama, 9 ; Mississippi, 7 ; Louisiana, 6 ; Ohio, 15 ; Kentucky, 12 ; Tennessee, 6 ; Indiana, 13 ; Illinois, 11 ; Missouri, 9 ; Arkansas, 4 ; Florida, 3, Texas, 4 ; Iowa, 4 ; Wisconsin, 5 ; California, 4 Total, 231.

NAYS.—Maine, 7 ; Massachusetts, 5 ; Connecticut, 6 ; New York, 18 ; Maryland, 8 ; Georgia, 1 ; Ohio, 8 ; Tennessee, 6 ; Michigan, 6. Total, 65.

The Convention adjourned until to-morrow morning at 9 o'clock.

## FIFTH DAY'S PROCEEDINGS.

MORNING SESSION, JUNE 6, 1856.

The Convention was called to order precisely at nine o'clock. The President said that they would now proceed to the fifteenth ballot.

Mr. Hibbard, of New Hampshire, arose and said :

Mr. President—New Hampshire has thus far given her votes for Franklin Pierce, in accordance with the wishes of the entire body of the democracy of our State. In common with other friends, tried and true, she has supported him steadfastly and earnestly. But, sir, strong as is her preference for her own distinguished son, abiding as is her confidence in his patriotism and statesmanship, warm as is her attachment to him personally, she is willing to defer even these considerations for what may seem the more practicable method of advancing cherished principles. She lays them all as an offering upon the altar of our common cause. In so doing, she acts in accordance, not only with the dictates of her political duty, but with his own expressed desire. The unanimous adoption by this Convention of our noble platform, is the most comprehensive and emphatic sanction of the administration of President Pierce. Beyond this, there needs no tongue to speak his eulogy. I therefore withdraw his name from the present contest. And, sir, by the unanimous instruction of our delegation, I cast the five votes of our State for the man we regard as the next best exponent of the principles and measures so nobly illustrated by the administration of Franklin Pierce—the bold, efficient and ever faithful statesman of Illinois, Stephen A. Douglas. [Great Applause.]

## 15TH BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine,.....	7	1		
New Hampshire,			5	
Vermont,.....			5	
Massachusetts,...	10		3	
Rhode Island,...	4			
Connecticut,....	6			
New York,.....	17		18	
New Jersey, ..	7			
Pennsylvania,...	27			
Delaware,.....	3			
Maryland,.....	8			
Virginia, .....	15			
North Carolina, .			10	
South Carolina, .			8	
Georgia,.....	3		7	
Alabama,.....			9	
Mississippi,....			5	
Louisiana,.....	6			
Ohio,.....	13	24	64	4
Kentucky,.....	4		7	
Tennessee,.....	12			
Indiana,.....	13			
Illinois,.....			11	
Missouri,.....			9	
Arkansas,.....			4	
Michigan,.....	6			
Florida,.....			3	
Texas,.....			4	
Iowa,.....	2		2	
Wisconsin,.....	5			
California,.....				4
	98	34	118	44

There being no choice, the 16th ballot was called for.

## 16TH BALLOT FOR PRESIDENT.

STATES.	James Buchanan.	Franklin Pierce.	Stephen A. Douglas.	Lewis Cass.
Maine,.....	8			
New Hampshire,.			5	
Vermont,.....			5	
Massachusetts, ..	10		3	
Rhode Island,...	4			
Connecticut,....	6			
New York,.....	18		17	
New Jersey, ....	7			
Pennsylvania,...	27			
Delaware,.....	3			
Maryland,.....	8			
Virginia, .....	15			
North Carolina, .			10	
South Carolina, .			8	
Georgia,.....	3		7	
Alabama,.....			9	
Mississippi,....			7	
Louisiana,.....	6			
Ohio,.....	15		6	2
Kentucky,.....			12	
Tennessee,.....	12			
Indiana,.....	13			
Illinois,.....			11	
Missouri,.....			9	
Arkansas,.....			4	
Michigan,.....	6			
Florida,.....			2	
Texas,.....			4	
Iowa,.....	2		2	
Wisconsin,.....	5			
California,.....				4
	168		122	6

No choice being made, the 17th ballot was had.

When Mr. Preston, of Kentucky, said ; Mr. President—As one of the friends of Mr. Douglas, I have become sufficiently satisfied by the evidences presented here, that it is the wish of this Convention that James Buchanan should be the nominee for President of the United States; I believe that Judge Douglas himself, and the friends of Judge Douglas, and when I say this, I speak with some degree of knowledge on the subject—I believe that the friends of Mr. Douglas will be among the first to come forward, and in a spirit of liberality, put an end to the useless contest. I will now give way to the gentleman from Illinois, the friend of Mr. Douglas.

During Mr. Preston's remarks there were loud expressions of dissatisfaction and cries of "No, no !" "Don't withdraw !" "Don't withdraw !"

Here W. A. Richardson, of Illinois, arose, and waiving his hand, there was immediate and general silence. In a solemn and impressive manner that gentleman proceeded to address the Convention as follows:

Mr. Richardson—Mr. President and gentlemen of the Convention : Before undertaking to advise any gentleman on this floor what he ought to do, I consider that I have a duty which I owe to my constituents, and which, since it is now imposed on me, I feel it is due to the Democratic party and friends of Stephen A. Douglas, that I should discharge. Whatever may be the opinion of the gentleman as to the

contest, I am satisfied that I cannot advance his interests or the interests of the common cause, or the principles of the Democratic party, by continuing him in this contest. I will, therefore, state that I have a dispatch from Judge Douglas, which I desire, may be permitted to be read, and I shall then withdraw his name from before the Convention. I desire, gentlemen, after that, to decide on what course they may deem it proper to pursue. [Tremendous applause—profound sensation.]

The dispatch was sent to the Chair to be read, and is as follows :

LETTER OF S. A. DOUGLAS TO W. A. RICHARDSON, OF ILLINOIS.

WASHINGTON, June 4, 1856.

*Dear Sir :* From the telegraphic reports in the newspapers, I fear that an embittered state of feeling is being engendered in the Convention, which may endanger the harmony and success of our party. I wish you and all my friends to bear in mind that I have a thousand fold more anxiety for the triumph of our principles than for my own personal elevation.

If the withdrawal of my name will contribute to the harmony of our party or the success of our cause, I hope you will not hesitate to take the step. Especially it is my desire that the action of the Convention will embody and express the wishes, feelings and principles of the Democracy of the Republic; and hence, if Mr. Pierce or Mr. Buchanan, or any other statesman who is faithful to the great issues involved in the contest, shall receive a majority of the Convention, I earnestly hope that all my friends will unite in insuring him two thirds, and then in making his nomination unanimous. Let no personal considerations disturb the harmony or endanger the triumph of our principles.

S. A. DOUGLAS.

To Hon. W. A. RICHARDSON, Burnet House, Cincinnati, Ohio.

The reading of this dispatch was interrupted by frequent and tremendous applause. It was some time before order could be restored. When the Convention had subsided into something like order, the President announced that they would proceed with the seventeenth ballot.

Mr. Preston—I move that James Buchanan be nominated as the candidate of the democratic party, for President of the United States, by acclamation.

Voices—Go on with the call—go on with the call !

The roll was then called for the seventeenth ballot :

Maine cast her eight votes for James Buchanan.

When New Hampshire, was called, Mr. Hibbard said:—Mr. President: New Hampshire has steadily supported the favorite of her people, until it was apparent that he was not the choice of the convention. She then withdrew his name and went heartily for the champion of the North West. The ballotings have shown a like disposition with regard to him. His name, too, is now withdrawn. It is apparent that Mr. Buchanan is the candidate of the Convention. The will of the majority becomes now the choice of all. New Hampshire, sir, bows most respectfully to that decision. She will support the great statesman of Pennsylvania with the same fidelity and determination she has devoted to the cause of her own cherished son. She throws her five votes for James Buchanan, and she will roll down for him her majority of thousands in November next, like an avalanche from her granite hills! [Great applause.]

Vermont being called, Mr. Smalley rose and said:—Vermont cast her unanimous vote for nine successive ballots for Franklin Pierce, because they regard his Administration, both in its domestic and foreign policy, as entitled to the entire confidence and approbation of every true Democrat. He has, in a perilous crisis, maintained firmly our honor abroad, fearlessly confronted all the intestine factions that have for the last three years distracted our Republic, and nobly sustained the constitutional rights of every part of our common country. He is our neighbor, and we *know* him to be a man, a patriot, and a statesman without reproach. But we became convinced that he was not the choice of this Convention, and therefore Vermont gave her five votes for a favorite son, who was born and educated amid her Green Mountains—the bold, the eloquent, and the successful champion in the United States Senate of the great principle of Popular Sovereignty—Stephen A. Douglas. But his name has been, for the purpose of conciliation, harmony and unity of action, at his request, withdrawn from the Convention. Vermont now comes cordially and earnestly to the support of the ripe, able and accomplished statesman of Pennsylvania. And though her Democracy can promise but little, will yield to none in the fidelity and zeal with which they will battle for his election. I am unanimously instructed to cast the five votes of Vermont for James Buchanan. [Loud cheers.]

Massachusetts was next called, when Mr. Butler answered as follows: Massachusetts has heretofore shown that she reposes faith and confidence in the distinguished statesman of her own section of the country; yet she has no factious opposition to make to the wishes of the great Democratic party, as indicated in this convention. And though, sir, she cannot promise much, yet, when the nomination is made, she will say, in the language of one of her gallant sons at Lundy's Lane, when ordered to take a British battery—"We will try." I am instructed to cast the thirteen votes of Massachusetts for James Buchanan. [Applause.]

When the vote of Rhode Island was called for, Mr. Lawrence said: Mr. President: Rhode Island, during twelve ballots, manifested her

approval of the administration of our distinguished President, whose nomination—which she ratified by her electoral vote—her delegates four years ago were among the first to sustain. She would have continued to cast the same vote had she not been convinced that General Pierce could not unite the requisite support in this Convention. She therefore, last evening transferred her votes to the eminent citizen of Pennsylvania, who, I am free to declare, is, under existing circumstances, the only one of the candidates that have been before us that can redeem our State, and it is with the greatest satisfaction that the delegation of Rhode Island congratulate their fellow citizens that the nomination of James Buchanan is now unanimously responded to.

Connecticut then cast her six votes for James Buchanan.

New York was next called, whereupon Mr. Horatio Seymour rose and said: The State of New York, in many respects divided, has at last become united on one point, the moral necessity of confining the nomination within the circle of the three distinguished gentlemen whose names were first presented to the people as candidates for the Presidency. Speaking, in this convention, for one section of the Democratic party of the State of New York, I have felt it to be my duty—I state that we have felt it our duty to cast our votes for Franklin Pierce. So long as his name continued before the convention, we unfalteringly adhered to him. When his nomination became impossible, we felt it our duty to give our support to the nomination of Stephen A. Douglas, of Illinois. His name is now formally withdrawn by the person authorized to speak for him; indeed, he has spoken for himself. While we have the strongest desire to continue our support for him, we feel that we should be recreant to ourselves and to those whom we represent, if the State of New York should go beyond the limits of the three names originally presented to the people of the United States for nomination. At this stage of the proceedings, in view of this statement, in view of the exigencies of the case, in view of the position in which we are now placed, I ask that we may be permitted to retire and consult, in order that this nomination may go forth with that moral force and influence which we have so much at heart.

Hereupon that part of the delegation from New York, of which Mr. Ludlow was chairman, withdrew for consultation, and on returning to the Convention,

Mr. Ludlow of New York, said—Mr. President, The wing of the Democratic party of the State of New York, represented by the delegation of which I have the honor to be chairman, has come into this Convention under great disadvantages. It has, Sir, ever been a strong distinctive feature of our Democracy of New York, to stand with reliable truth and firmness by those whom we have reason to regard our friends, and Sir, in this view having had no candidate of our own to present, and without any pledges to others, we have been content and pleased to support the nominees of our friends. We have done so, honorably and honestly, and now that those nominees are withdrawn from the further consideration of this Convention, we shall assume no factious attitude, and I take pleasure in following out the

continent of this Convention, as now indicated, and give eighteen votes from New York, for James Buchanan.

New Jersey then casts her seven votes for James Buchanan.

When Pennsylvania was called,

Hon. John L. Dawson, said—Mr. President, The venerable chairman of our delegation, Gley, Porter, not much accustomed to public speaking, has devolved upon me the duty of expressing to this Convention our high appreciation of the honor conferred upon our State in the selection of its distinguished citizen as the nominee of the Democratic party. [Great applause.] We are more than gratified that the time has arrived in the deliberations of this body, when the sacrifice of personal preferences and predilections becomes a virtue. Ardent attachment to distinguished, able and well-tried leaders is a noble characteristic of our people, and is only to be waived at the call of patriotism and necessity. [Cheers.] In this case that harmony and unanimity which is essential to our action, and the surest harbingers of success, has generously secured this surrender.

The chiefs of the Democracy present many honored names, either of whom would worthily have supported the banner upon which are inscribed the principles to which we own allegiance—that banner now reared to be borne by the distinguished son of our own State, the far beaming effulgence of its legend will penetrate the remotest retreats of the land, and quickly rally around it an invincible host, filled with the enthusiasm inspired by a great cause and by the memory of former triumphs and glories. [Great cheering.]

Mr. Buchanan is a man upon whom all can unite, and in doing so there is no expectation that there will be any surrender of the confidence in or admiration of those whom we pass by.

There is not a heart in this Convention that does not glow with full and grateful recognition of the eminent services, to the Democratic party, of Cass, Hunter, Douglas, Bright, Pierce and others whose names have been mentioned.

The first is, indeed, a mighty name which was long since voluntarily withdrawn from the contest, and whose brilliant efforts in patriotic devotion to the national interest will forever brighten the pages of our country's history. [Tremendous cheers.] In Mr. Hunter we recognize the model Senator, the distinguished Statesman, a chivalric son of old Virginia, he has been nurtured in the school of her sages who laid the foundation and shaped the superstructure of the confederacy. [Applause.]

The clear-sighted boldness, the skilful battle for the right that has marked the public career of Douglas, would have made him a gallant leader in the contest, whom we should all have delighted to follow; [renewed applause;] while in Bright we recognize those high qualities that mark the rising statesmen of the West, and see in him the true representative of her gigantic and advancing power. [Great applause.]

The Administration of General Pierce requires no eulogium from me. True to the Constitution, to the principles and policy of the Democratic party, we say in a spirit of justice: "Well done, good and faithful servant." [Loud cheers.]

As Pennsylvanians, the representatives on this floor of a State, which, in all the elements of greatness, we claim in a spirit of patriotic attachment, is inferior to none in the Union—one of the "Old Thirteen"—are proud that the towering greatness of her son has secured to her the well-merited and distinguished honor. [Loud and long continued applause.] His nomination is a guaranty to the country of an administration of the Constitution in its purity, with a just regard to all sections, and without partial and modern constructions of its spirit and provisions. [Renewed applause.] His election will restore confidence, secure peace to a restless people, and kindle anew the fires of patriotism and love of the Union in bosoms where those sentiments had begun to smoulder. He will receive a large and overwhelming majority in the Keystone State. [Enthusiastic cheers.] A majority demanded by her numerical power consistent with the integrity of her people and their loyalty to the Constitution and the Union of the States. Her gallant sons will rally from the Delaware to the Ohio; on the loftiest summit of her mountain range they will fling her banner to the breeze, bearing upon it the inscription of the honored name of "James Buchanan, our country and the Constitution," and victory as certain as that which attended the American arms upon the immortal battle fields of our national history will brighten in letters of living light upon its broad and ample fields as it will wave so gracefully and gallantly in triumph over the land. [Hearty and long-continued applause.]

Delaware casts her 3 votes for James Buchanan, Maryland 8, and Virginia 15.

When North Carolina was called,

Mr. Avery, Chairman of the North Carolina delegation, said—Mr. President, The delegation of North Carolina appeared in this Convention, with the view to battle for great principles, not for men. The platform adopted by the Convention commanded their most hearty approval; it is broad enough to hold every national man within the limits of the republic; nothing can be taken from it without impairing its symmetry; nothing can be added to it without marring its fair proportions. Under these circumstances we have been prepared to sustain the nominee who may be placed upon that platform with no ordinary zeal. We adhered to Franklin Pierce through many ballotings, not only as a matter of choice as being preferred by us above all others at this time, but because we conceived it a duty imposed upon the South to support him in view of the bold and manly stand taken by his Administration in maintaining the laws under the Constitution, and upholding the rights of all the States in this Union. When the State of New Hampshire, in a spirit of conciliation, abandoned her favorite son, we felt it a duty to pay a tribute of respect and gratitude to the distinguished son of Illinois, Stephen A. Douglas. And, General

Pierce out of the way, we could not have returned to our constituents without having manifested in some way our high appreciation of the eminent services rendered to his country by the author of the Kansas and Nebraska bill.

We have sustained by our votes thus far these two eminent men, in no factious spirit; and as it is apparent that the feeling of this Convention is in favor of the distinguished son of the Keystone State, we acquiesce in that manifestation of preference made by our political brethren here assembled. The Hon. James Buchanan was the first choice of North Carolina for President four years ago. He has undergone no change in political sentiments since that time, and our confidence in him has not been in any wise impaired, for the Democracy of North Carolina loves James Buchanan still. Pending his stay in Europe, events transpired which identified Messrs. Pierce and Douglas more prominently than others with certain leading issues before the country, and according to the views we entertained respecting their services in that behalf, we could not consistently abandon them while the name of either of them was before the Convention; *they* are now both withdrawn, and we come a united delegation with a hearty good will to the support of the man for whom North Carolina did battle four years ago. On behalf of the North Carolina delegation I cast ten votes for James Buchanan, of Pennsylvania. [Applause.]

When South Carolina was called, Governor Manning addressed the President as follows:—

South Carolina, determined as she is to support the candidates placed upon the platform of principles erected by this Convention, has given that support in the first instance to Franklin Pierce of New Hampshire, and then to Stephen A. Douglas of Illinois, and she would have continued to yield to them an unfaltering support as long as their names were presented by their friends to the Convention. But there is something else that South Carolina has at heart, as much as her attachment to persons or friends in this contest—the preservation of the Constitution and the Union. By the action of this Convention, and by the presence here of South Carolina, the bond of brotherhood among all the States of this Union is undivided. South Carolina, Sir, casts her eight votes for James Buchanan, of Pennsylvania. [Loud applause.]

The State of Georgia being then called, Mr. Gardner said: The Georgia delegation, Sir, came here pledged to the support of the gentleman for whom her vote was first cast, and for whom her warm and cordial sympathies were enlisted. Next to him, the delegation, or at least a large portion of them, thought it their duty to come to the support of Judge Douglas, of Illinois. They considered it their duty to do so, in view of the fact that this gentleman had manfully battled for great constitutional and conservative principles. But we love not Pierce and Douglas alone; we have a warm and cordial Southern heart for James Buchanan. From the broad ocean's shore—from the mid-land counties of the State—from its mountains and its valleys, with a loud and exulting shout of triumph, the Democracy will come forward in support of James Buchanan; and we pledge to him the ten electoral votes of Georgia. [Applause.]

The State of Alabama was then called by the Secretary. Mr. Chapman, of Alabama, said: I hope, Sir, I shall be indulged by the Convention while I make a brief statement in regard to the position of Alabama. The delegation from that State came here united in support of Franklin Pierce. After he was withdrawn, they voted for Stephen A. Douglas. These votes, Sir, were not given on account of any hostility to the distinguished son of Pennsylvania, but because those gentlemen were, in our opinion, more immediately identified with the new question which has recently arisen. There is no State in the Union where the son of Pennsylvania is held in higher esteem and honor than the one from which I come. We still have confidence in him; he is still a favorite of Alabama. We have seen the unanimity with which the delegation from Pennsylvania have come to the support of our platform of principles, and this alone would be sufficient to impart confidence in the candidate they have presented to the Convention. We remember, too, that in the last Convention, James Buchanan was the first choice of Alabama; we remember that he was the favorite candidate of the lamented William R. King, who was associated on the same ticket with Franklin Pierce. And, humble as I am, I claim that no one excels me in confidence and esteem for the eminent statesman for whom Alabama is about to cast her vote. Not reluctantly, but with pleasure she gives her votes to James Buchanan, of Pennsylvania. [Cheers.]

The Secretary then called Mississippi, when Mr. Clayton, for the Mississippi delegation, said that by the vote of Mississippi, now about to be given, she desired to give one more evidence of her devotion to Democratic principles. She had thus far voted first for Pierce, next for Douglas, because she regarded them as the exponents and embodiment of her principles; but she never had any opposition to Mr. Buchanan. Four years ago she had voted for him twenty-seven times in the Baltimore Convention. She now again casts her vote for him, with a pledge that her people will ratify it by six thousand majority.

Mr. Matthews, of Mississippi, added: I desire to state, Sir, that Mississippi, in casting her vote first for Franklin Pierce, and then for Judge Douglas, wishes not to be understood as having any opposition to Pennsylvania's favorite son. She voted for those gentlemen as representatives of that great principle which claims to lie at the very foundation of American liberty. She did not for a moment suppose Mr. Buchanan to be opposed to that principle; but she considered Mr. Pierce and Mr. Douglas to be more intimately identified with it. Mississippi will support the nominee. With pride and pleasure she will take up the banner which the Democracy have entrusted to the hands of James Buchanan, and carry it in triumph through nearly every county in the State. Mississippi casts her seven votes for James Buchanan. [Loud cheering.]

President.—Let Louisiana be called.

Secretary.—Louisiana.

Gov. Marston.—Louisiana, as heretofore, casts her six votes for James Buchanan.

Ohio was next called, and she answered by Mr. Medary: It is with great pleasure, I announce to you, Mr. President, and the honorable

delegates to this Convention, that Ohio has no longer to cast fractional votes. With the platform that you have given us as a bond of union for the Democracy of this great country, we are willing to fight under any leader that this Convention may select for us. I assure you, Mr. President, that as a personal friend of that Little Giant of the northwest, for whom so many of us have cast our votes, or for whom I am willing to do battle even single-handed, that no one will yield more pleasantly to the decision of the Convention; and I can speak also for the whole of the delegation with which I am associated, and that none will more readily and zealously support the nominee presented to us to-day. I pledge you, in behalf of the Democracy of Ohio, that as they have been so exact in casting their vote here, they will be equally exact in casting their whole vote for James Buchanan, and though divided here, they will be united at the polls, and will not consider their duty discharged till they have deposited their whole vote in the ballot box; and they will carry the State next November by at least twenty-five thousand majority. They will unite not only with their neighbors in Pennsylvania, but will stretch out their hands to the extreme South, the West and the East, to meet their Democratic brethren, and to assist in giving the death-blow to fanaticism in this country. Ohio casts her twenty-three votes for James Buchanan, of Pennsylvania. [Tremendous cheers.]

Kentucky, when her name was called, through Gov. Wickliffe, said: Kentucky, though she cannot promise her thousands in November next, yet she says to the Democracy of the Union now, that when the hour of battle arrives, she will give a majority to James Buchanan, for whom she now casts her 12 votes.

The Secretary then called Tennessee, and Mr. Bate, of Tennessee, said: We came here, gentlemen of the Convention, representing the spirit of the Democracy of Jackson and of Polk. I wish to state, on behalf of the Democracy of Tennessee, that they voted for the distinguished individual who now occupies the Executive chair, as the representative of the great principle which now presents the prominent issue before the country, and afterward, for the same reason, testified their appreciation of the eminent gentleman who introduced the measure. Tennessee, Sir, has not cast her vote for a Democratic candidate for the Presidency, since she voted for her own son, the illustrious Jackson. But standing here now, the representative, in part, of the Democracy of Tennessee, I promise that she will give for the nominee of this Convention, a Democratic majority of ten thousand votes. While here, we have cast the vote of Tennessee as a unit. There has been some division of opinion in the delegation. We now, however, give a heartfelt and entire vote to James Buchanan, of Pennsylvania.

Secretary.—Indiana.

Judge Borden.—Thirteen votes for James Buchanan, of Pennsylvania, now, and the same in November next.

Illinois was then called for, and Col. Richardson rose, in behalf of that State, and responded as follows: I am instructed by the delegation from the State of Illinois, to return to this Convention their heartfelt acknowledgements for the complimentary vote their distinguished son has received; and above and beyond all to return their thanks that

while he has received one hundred and twenty-two votes as a candidate for the Presidency, before the highest tribunal known to the Democratic party; the adoption of the great principle embodied in that platform, which received the assent of every member of the Committee on Resolutions, and of every member of the Convention, has endorsed the political opinions of Stephen A. Douglas. While he has been complimented by that vote, the fact that the principles for which he has battled in the Senate and before the whole country, are made by the Democratic party the leading principles of its political faith, is a still higher compliment, which might excite sentiments of pride in the bosom of any man. We have come here, Sir, animated by no sectional spirit. We have come here in the full belief that the spirit of the Democratic party resides in its principles more than in its men. We have come to say to the Democratic party all over this Union that, as in times past, the Democratic banner has never been torn in Illinois, so it will not be torn in November next. Illinois joins her voice to the voices of the delegates of the other States, and casts her eleven votes for James Buchanan, of Pennsylvania.

Missouri was then called, and Mr. W. A. Harris answered: That before he cast the vote of his State, he was instructed to offer a few words of explanation. He said that it was known to the Convention that although the vote of Missouri had been cast as a unit for Judge Douglas, that there were on that delegation many friends of President Pierce, and also a large minority who preferred Mr. Buchanan as their first choice. Yet, having determined among themselves not to depart from the list of names before the Convention, they had from the beginning decided to vote for Mr. Pierce, or Mr. Douglas or Mr. Buchanan, till the one or the other was nominated. Mr. Douglas has endeared himself to the State of Missouri and to the whole country, in manfully standing up for all the great principles of the Constitution, in justly interpreting and enforcing all its guarantees and powers, with a constancy and fidelity never surpassed by any statesman of the country. But it was by his authorship of the Kansas-Nebraska bill, and his arguments of transcendent ability and eloquence in its support, and the moral heroism with which he has constantly met and vanquished the enemies of our peace, and the enemies of our Union, that he has established himself in the hearts and affections of the people. But, in a spirit of manly self-denial, he has directed his friends to withdraw his name from the list of those now before the Convention for nomination. We surrender him, therefore, to be warmed and cherished in the hearts of the people, to still further add to his glorious record of sound statesmanship, until his countrymen call upon him for the performance of still greater duties in higher spheres.

Thus, then, we are free to cast our united vote for him who, from the beginning and for many years, was the honored and long-cherished first choice of a large minority of us—a statesman of the greatest talents and ability, the most enlarged experience, and the most pre-eminent qualifications for the high office of President of the United States. His record of forty years is but the record of his wisdom and services as

a statesman, his ability and sagacity as a diplomatist, and his devotion to the Union and the rights of the States. It is a record without a blemish and without a stain. The hearts of his countrymen are warmed and drawn to him with a force and a fervor which will bear him with shouts and acclamations into the Presidential chair. Being one of his original, ardent and long-devoted friends, my delegation has kindly accorded to me the grateful pleasure of casting our unanimous vote for that noble son of a noble State, James Buchanan, of Pennsylvania.

President—Call Arkansas.

Secretary—Arkansas!

Mr. Flournoy, of Arkansas—It is known, sir, to this Convention, that the delegation from Arkansas came here instructed to cast their vote for the present Executive, Franklin Pierce, of New Hampshire. In accordance with those instructions, they faithfully adhered to him until they saw he no longer had a chance to obtain the nomination of the Convention. They then came enthusiastically and harmoniously to the support of the Little Giant of Illinois. They have voted for him since that time, and wherever his banner was seen to float, there were we seen to battle. But, sir, we have had no factious opposition to make to any candidate. Our vote was merely the expression of a personal preference. It was well known to us, and well appreciated, that James Buchanan was a pure patriot and a great man, and that he was in every way worthy of our support and our vote. While, for a time, we did battle against him, we never meant our vote to go beyond the circle of the three names which were originally presented to this Convention, and we always intended, whenever there should be a firm and decided majority in favor of Mr. Buchanan, to show that we were animated by no factious spirit of opposition, and to add our vote to those of his supporters. We are now as enthusiastic friends of Mr. Buchanan as can be found on this floor. There is, sir, an anecdote in history which would well illustrate the position of Arkansas. When the Prince and Princess of Armenia were captured by Cyrus, and led out to receive the sentence of death or of banishment that might be imposed on them by the conqueror, and the Prince was asked what he had to say why sentence should not be pronounced, he answered that for himself he had nothing to say, but for the Princess he asked that she might be permitted to return to her own country—"as for me," he said, "do with me as you please." After she had returned, when all were expressing admiration for Cyrus, who was said to be the man of most gallant bearing in the world, the Princess was asked what she thought of him. She replied that she had never seen him. When surprise was manifested that she, who had been in his presence, had not seen him, she answered that she had no eyes except for the man who had been willing to sacrifice his own life to save hers. Thus, sir, it is with Arkansas. From this time till November, she will have no eyes except for James Buchanan. I pledge myself that, in November next, she will give for him in proportion to her vote a larger majority than any other State in the Union. And, sir, as I am always willing to back my judgment, I will bet a banner, to be worked by the fairest hands in Arkansas, that such will be the case.

Many members—We take the bet.

Mr. Flournoy—Well, sir, the banners will be ready to send to the States that win them, and I predict that after the election, we shall be overwhelmed with flags from every State in the Union. As I have said, we have hitherto been opposed to the nominee of this Convention, but our opposition has been guided by dignity and moderation. We expect—and we have some reason to expect it—that we shall meet with noble and generous conquerors, and that some little favor will be extended to us when we express a choice for the second office in the gift of the Convention. I now cast the four votes of Arkansas for James Buchanan, of Pennsylvania.

*Secretary* : Michigan !

Mr. ——— : Michigan still casts her six votes for James Buchanan.

*Secretary* : Florida !

Response : Florida casts her three votes for James Buchanan.

When the vote of Texas was called, Mr. Waelder, of Texas, said :

Mr. President : In 1852, when the final vote of the National Convention was taken, Texas had no speech to make, neither does she desire to impose a long speech upon the Convention of 1856 ; but, sir, as chairman of the Texas delegation, I desire to say these few words :

Heretofore the State of Texas has cast her four votes, first for Franklin Pierce, next for Stephen A. Douglas. In thus casting her vote, she did not regard James Buchanan as less pure, as less true to our common Constitution ; but, sir, she voted for Franklin Pierce and Stephen A. Douglas, because they had been more actively engaged in the struggle which has of late convulsed every section of our country.

We heartily concur in the nomination of James Buchanan. As the Democracy of Pennsylvania have heretofore done battle for the constitutional rights of the South, and of every section of the Union, so the Democracy of the " Lone Star " do battle for that favorite, noble son of the " Keystone of the Arch." Sir, from the flowered prairies of the South-west we extend the Democratic hand of fellowship to the Democracy of every section of this Union.

As to the vote of Texas on the first Monday of November next, I will make no pledges. But that our majority for the Democratic cause will out-rival even that of the native State of the nominee, in proportion to the population of the two States, I have no doubt.

I now cast the four votes of the State of Texas (and I do so with great pleasure) for James Buchanan, of Pennsylvania.

Iowa next cast her four votes for James Buchanan.

Wisconsin being called : Five votes for James Buchanan.

The Secretary then called for California, when she answered as follows :

Mr. Inge, of California—Mr. President : California came here for the purpose of giving a frank, loyal and united support to the eminent statesman who is now receiving by general acclaim from this Convention the enthusiastic tribute of generous hearts, vindicating him as their unanimous choice for a position higher in moral grandeur than the loftiest of the imperial thrones of this Earth.

The expression of preference for Mr. Buchanan, on the part of our State Convention, left the delegation in no doubt as to the course pro-

per for them to pursue. But the State Convention, at the same time that it expressed, in distinct terms, its preference for Buchanan, virtually instructed us to obtain from this National Convention of the great Democratic party, a full endorsement of the policy of a safe and speedy communication, through our own territory, between the Atlantic and Pacific coasts of this confederacy. It must be conceded that no achievement of American arms or diplomacy, has redounded more to the prosperity and glory of our country than the acquisition of California. [Here Mr. Inge was called to order by the President, who remarked, that he was traveling beyond the record, and could not proceed without the unanimous consent of the Convention. Cries of leave! leave! accompanied with applause, from all parts of the hall, invited the speaker to proceed with his remarks, who continued as follows:]

I am deeply grateful to this Convention for the consideration accorded to the distant State of California. This Convention remembers, Mr. President, that we have traveled six thousand miles, traversing two oceans, and braving the fiery sun and the deadly malaria of the tropics, to meet our democratic brothers here, and to aid in this glorious consummation. [Applause.] The acquisition of California, as I have said, was justly regarded as the most brilliant achievement of the American arms. To accomplish it much of the most precious blood of the republic has been shed, and millions of treasure have been lavishly expended. From the year 1800, from the days of Jefferson to the treaty of Guadalupe Hidalgo, the acquisition of that territory, has been a paramount object of American diplomacy. It has ever been the dream of our statesmen, and an object dear to the hearts of our people to make America an ocean-bound republic. [Applause.]

Well sir, that country has been acquired. She is now a member of our ocean-bound confederacy—the brightest star in the glorious constellation of American States. [Applause.] There she lies before you sir, filled with an industrious and energetic population; with her vast commercial and agricultural resources; and with a climate, whose geniality attests, more than any other creation of Omnipotent power, the beneficence of God to his creatures. Above all she is distinguishable from her sisters, by the golden treasures, sparkling in exhaustless profusion upon her surface, and which lie embedded in her snow-capped mountains. But with all these facts entitling California to the favorable consideration of the federal government, after having been a sovereign member of the confederacy for nearly six years, after contributing five hundred millions of dollars to the wealth of the country. What has been done to facilitate communication between the Atlantic and Pacific coasts of the confederacy? California, at this day, remains isolated in position, and practically out of the Union, by the failure of Congress to establish the means of an overland communication. On this subject the masses of the American people are united. State legislatures, mass meetings, the press of the country with its thousand tongues, have urged upon Congress prompt and efficient legislation, for the attainment of this great national object. Look, for a moment, at her present condition. The route across the plains, infested with hostile Indians, is no longer open to the adventurous march of the emigrant. In Nicaragua civil war rages; in the midst of which there

to no protection to life or property. The emigrant can only pass there, between files of contending soldiers, and with feet stained with human blood. At Panama, the brutal and savage negro, animated by the hope of plunder, have recently assailed our unarmed countrymen, inflicting death indiscriminately. Upon both the Isthmus routes, danger, disease and death stand in frightful array along the pathway of the emigrant. Sir, we ask that the federal government may exercise all its constitutional power, to provide a safe and speedy communication over our own territory between the Atlantic and Pacific coasts of this Union. A resolution embracing that policy, has been laid on the table by a vote of this Convention, the delegation from Pennsylvania, voting aye upon the motion to lay upon the table. With the vote of Pennsylvania, thus recorded, against a policy so vital to the interests of our State, the delegation from California have not felt it consistent with their own self respect, or with the dignity of the State which they have the honor to represent, to cast their votes for James Buchanan. But they have assurances now, that Mr. Buchanan does not concur in the opposition to that measure, indicated by the votes of the Pennsylvania delegation, and we therefore cordially acquiesce in his nomination, and pledge our State to his support. Sir, we do more, we pledge her to an overwhelming majority. When the shouts of victory from the East boom across the plains and ascend the lofty summits of the Cordilleras, they will be met by responsive shouts of triumph from the golden valleys of the Pacific State. [Tremendous applause.]

[Subsequently the proposition for an overland communication, within our own territory between the Atlantic and Pacific, was voted upon, directly, by the Convention, the Pennsylvania delegation voting unanimously against laying the same on the table; and, on its final passage a portion of said delegation voted for, and a portion against its adoption; said proposition having been carried; ayes 205, noes 87.]

The President of the Convention—Gentlemen: The result of the seventeenth ballot is as follows: James Buchanan has received 296 votes, which being the whole vote cast, and the entire vote of the Convention, I announce with pleasure, that James Buchanan, of Pennsylvania, is unanimously nominated as the Democratic candidate for President of the United States. [Vociferous cheering; long continued.]

Here shouts were raised for Col. Black, of Pennsylvania; whereupon after silence was restored, the Hon. Samuel Black rose and spoke as follows:

Col. Samuel W. Black, of Pennsylvania—Mr. President: At the unanimous request of the Pennsylvania delegation, I rise to express their thanks for the high honor conferred upon our State, in the unanimous vote of this Convention, now recorded for James Buchanan. I do not design, sir, to weary the well tried patience of this assembly with a set speech. Your labors have been protracted and severe. It is desirable and just that we should bring them to a speedy and harmonious conclusion. Pennsylvania, in whose name and stead I am permitted to speak, offers from her heart, to every other state of the confederacy, this public acknowledgment of deep and sincere gratitude. Every portion of our country is here represented. I do not say sec-

tion, for, sir, with the Democracy of Pennsylvania that term is abhorred, and the spirit of sectionalism is a by-word and reproach. We recognize, and will forever maintain and defend every several right of every sovereign State of the American Union. And we will vindicate, with the same spirit that leads us to assert the sovereign rights of our own State, the rights of the people of every territory to settle for themselves their own form of Government—to choose their own Democratic institutions and to manage them according to the council and pleasure of their own will—they, like as we do, submitting in all things to the guidance and control of the Constitution of the United States. We believe that sentiments similar to these will form amongst the American people a prevailing and perpetual bond of Union. Universal confidence and kindness will take the place of distrust and jealousy. • It is only by an open and manly recognition of the rights that belong to every State and Territory, that we can hope for a peaceful perpetuity to our Union.

That we may attest our earnestness, Pennsylvania, in the presence of her country's star-lit flag, and in his presence who is the pattern of his country and the father also to the Constitution, though not its author, we renew our vows of fidelity to the Union and the Constitution. (A portrait of Washington, festooned with flags, was directly in front of the speaker).

If the evil day should come, which God mercifully avert, when we should see the rights of any State abused or crushed, her appeal to Pennsylvania will not be in vain. If she is feeble, her weakness will strengthen our attachment and love. Our beloved State will say from the heart to the heart—"Entreat me not to leave thee, nor to return from following after thee; where thou goest I will go, where thou lodgest I will lodge, thy people shall be my people, and thy God my God. Where thou diest I will die, and there will I be buried. The Lord do so to me and mine also, if aught but death part thee and me." (Great emotion and applause).

But, sir, I have wandered from my duty, and returning to it I renew our thanks to every State represented in this Convention. Before I close allow me to vindicate Pennsylvania's favorite son against the charge of having failed in that higher duty which every man owes to himself, to society and to the sweeter sex. Mr. Buchanan, we confess, is a bachelor. But the reason is a complete vindication as will, I am sure, satisfy every gentleman here present. It is this—as soon as James Buchanan was old enough to marry, he became wedded to the Constitution of his country, and the laws of Pennsylvania do not allow a man to have more than one wife.

For some time the cheers, long and loud, from without, and the roar of cannon, had announced that along the telegraphic wires the glad news was streaming to every part of the Republic that James Buchanan was the unanimous choice of the American Democracy for President of the United States.

After the vote had been duly recorded, there was such a general sensation, that it was difficult to proceed with other business.

B. F. Hallett, from the Committee on Resolutions, reported the following :

*Resolved*, That the administration of Franklin Pierce has been true to the great interests of the country. In the face of the most determined opposition it has maintained the laws, enforced economy, fostered progress, and infused integrity and vigor into every department of the government at home. It has signally improved our treaty relations, extended the field of commercial enterprise, and vindicated the rights of American citizens abroad. It has asserted with eminent impartiality the just claims of every section, and has at all times been faithful to the Constitution. We therefore proclaim our unqualified approbation of its measures and its policy.

Adopted, with long and rapturous applause, and unanimously.

The Committee on Resolutions, to whom was referred the resolution submitted by the delegation for Virginia, have instructed their Chairman to ask that they be discharged from its further consideration.

June 5, 1856.

B. F. HALLETT, *Chairman*.

Which Report was concurred in.

H. B. Wright, of Pennsylvania, with remarks, offered the following resolution :

*Resolved*, That the proceedings in this Convention, relating to the conflicting delegations from the State of New York, be stricken from the record thereof, and that we earnestly recommend to both delegations here present to unite in a call for a single State Convention to nominate an electoral ticket and ticket for State officers.

The following are the remarks of Mr. Beardsley, Mr. Ludlow and Governor Seymour, of New York, upon the resolution offered by Mr. Wright, of Pennsylvania, to expunge from the reports of the Committee on Credentials all but the resolutions in the New York case :

Mr. Beardsley rose deliberately and said—For the representatives of our section of the Democracy of New York, I am ready to avow here, that they have every wish to unite the Democracy of New York on sound principles, and to sustain the nomination made here and all who stand firmly on the platform which has been erected by the Convention. They, sir, have no reproaches to make. They honestly agree to act as they believe to be the wish of their brethren throughout the Union, and they entertain the firm conviction that the vote of New York will exhibit a glorious Democratic victory at the coming election. I have said enough to show what we feel, and I do not mean to imply a doubt that our brethren in New York will participate in these feelings, and act in accordance with the pledge we have given.

Mr. Ludlow—On behalf of the delegation which I have the honor to represent, I most cordially and most heartily reciprocate the sentiments avowed by the Chairman of the other delegation. Sir, I congratulate the Democracy of New York ; I congratulate the Democracy of Pennsylvania ; I congratulate the Democracy of the whole Union, that the proposition has been introduced by the gentleman who has been representing Pennsylvania on this floor. The introduction of that resolution is a pledge on the part of the friends of Mr. Buchanan that whatever differences may have grown up, are eradicated forever. By the adoption of that resolution, New York stands pledged next fall to elect the Democratic nominee. As an accompaniment to that resolution, not as an amendment, but I hope it will be accepted by the mover of the resolution now before the Convention, I have one in my hand, which I wish to offer. Divided as we have been, it may give rise to some embarrassment in New York to choose a member of the National Committee. I propose that the election of that member may be referred to the next State Convention held under that resolution.

Which proposition being opposed by Mr. Beardsley, of N. Y., was,

at the request of Horatio Seymour, of N. Y., and others, withdrawn by Mr. Ludlow, and the original resolution unanimously adopted. Thereupon the Convention adjourned until 2 o'clock, P. M.

### AFTERNOON SESSION, JUNE 6, 1856.

At 2 o'clock the Convention was called to order.

Mr. Shields, of Missouri, rose and said—Mr. President, I have been unanimously instructed by the Delegation from Missouri to offer in their name, the resolution which I now send to the Clerk's table to be read, and I ask this Convention to adopt the same, not only as an act of justice to the Great West and our Pacific brethren, but as a measure to bind more closely together our wide-spread Union in enduring bonds. It has been framed with a view to secure, if possible, the unanimous approval of this body. The President decided that under the rules, the resolution must go, without debate, to the Committee on Resolutions. The resolution was as follows:—

*Resolved*, That it is the duty of the Federal Government to construct, so far as it has constitutional power so to do, a safe overland communication within our own territory between the Pacific and Atlantic States.

Mr. Saunders of Wisconsin—I offer the following amendment to the resolution of the gentleman from Missouri, and I move that the Committee on Resolutions be instructed to report it back to the Convention with the recommendation that the same be adopted.

*Resolved*, That the Democratic party recognizes the great importance, in a political and commercial point of view, of a safe and speedy communication through our own territory between the Atlantic and Pacific coasts of the Union, and that it is the duty of the Federal Government to exercise all its constitutional power to the attainment of that object, thereby binding the Union of these States in indissoluble bonds, and opening to the rich commerce of Asia an overland transit from the Pacific to the Mississippi River, and the great lakes of the North.

Here Gov. Chapman raised a point of order, viz.: that under the special order of the Convention we must now proceed to the nomination of Vice President.

President—There is no such special order.

Mr. Thompson, of Mississippi, moved to lay the whole subject on the table.

Mr. Shields accepted the resolution of the gentleman of Wisconsin, as an amendment of his own.

On the motion to lay on the table, the votes by States being taken, resulted as follows—Ayes 74, nays 220.

**AYES**—New Hampshire 4, Massachusetts 1, Rhode Island 2, Connecticut 4, New Jersey 7, Delaware 1, Virginia 15, North Carolina 10, South Carolina 8, Georgia 7, Mississippi 7, Ohio 6, Tennessee 1, Florida 3—74.

**NAYS**—Maine 8, New Hampshire 1, Vermont 5, Massachusetts 12, Rhode Island 2, Connecticut 2, New York 35, Pennsylvania 27, Delaware 2, Maryland 8, Georgia 31, Alabama 9, Louisiana 6, Ohio 17, Kentucky 12, Tennessee 11, Indiana 13, Illinois 11, Missouri 9,

Arkansas 4, Michigan 6, Texas 4, Iowa 4, Wisconsin 5, California 4—220.

So the motion to lay on the table was lost.

Mr. Phelps of Missouri—If my friend from Michigan will withdraw his motion, which is out of order, I will move to suspend the rules, which will bring the Convention to a direct vote on the resolution itself.

President—The motion of the gentleman from Wisconsin is out of order—does he give way for the gentleman from Missouri.

Mr. Saunders—I withdraw my motion, and make that suggested by the gentleman from Missouri—that the rules be suspended.

The vote was called for by States, and was as follows:—

AYES—Maine 8, New Hampshire 1, Vermont 5, Massachusetts 11, Rhode Island 2, Connecticut 3, New York 35, Pennsylvania 6, Delaware 2, Maryland 8, Georgia 3, Alabama 9, Missouri 7, Louisiana 6, Ohio 19, Kentucky 12, Tennessee 11, Indiana 13, Illinois 11, Missouri 9, Arkansas 4, Michigan 6, Texas 4, Iowa 4, Wisconsin 5, California 4—208.

NAYS—New Hampshire 4, Massachusetts 2, Rhode Island 2, Connecticut 3, New Jersey 7, Pennsylvania 21, Delaware 1, Virginia 15, North Carolina 10, South Carolina 8, Georgia 7, Ohio 4, Tennessee 1, Florida 3—88.

So the rules were suspended, by a vote of two-thirds.

Mr. Inge, of California, then moved the adoption of the resolution, and on this motion called for the previous question.

The call for the previous question being sustained, the vote was taken on the resolution, and resulted as follows:—

AYES—Maine 8, New Hampshire 1, Vermont 5, Massachusetts 11, Rhode Island 2, Connecticut 3, New York 35, Pennsylvania 6, Delaware 1, Maryland 8, Georgia 6, Alabama 9, Mississippi 7, Louisiana 6, Ohio 14, Kentucky 12, Tennessee 11, Indiana 13, Illinois 11, Missouri 9, Arkansas 4, Michigan 6, Texas 4, Iowa 4, Wisconsin 5, California 4—205.

NAYS—New Hampshire 4, Massachusetts 2, Rhode Island 2, Connecticut 3, New Jersey 7, Pennsylvania 21, Delaware 1, Virginia 15, North Carolina 10, South Carolina 8, Georgia 4, Ohio 6, Tennessee 1, Florida 3—87.

So the resolution was adopted by the Convention.

Mr. Phelps, of Missouri—I now move to reconsider the vote adopting the resolution, and move further that said motion be laid on the table, so as to clinch the passage of said resolution. Adopted.

The President then announced that the next business in order was the nominations for Vice President.

Mr. O. A. Wickliffe, of Kentucky, arose and said, I am instructed unanimously by the delegation to present to the Convention, for the second office in the gift of the Democracy, that tried Democrat of their own State, Linn Boyd, of Kentucky. [Loud applause.]

Thomas L. Harris, of Illinois.—Mr. President: By the unanimous vote of the delegation from Illinois, I present to the Convention for the Vice Presidency the name of a gentleman who, though born on the banks of the Hudson, now lives on the banks of the Mississippi. He

was a gentleman of whom the whole nation was proud; who was equally distinguished for the boldness, as for the goodness of his heart; whose nature was as warm and affectionate as it was true and gallant. I have had the honor to serve under him in the perilous scenes of a fierce conflict in a hostile and distant land, and I can bear personal testimony to his patriotism, his fidelity to duty, his dauntless bravery—he was ever foremost where danger and duty called. He it was who so nobly led the gallant volunteers of his country through such appalling dangers into the very heart of the enemy's capital, and there first, on one of the loftiest citadels of the Montezumas, planted the banner of the Republic. This name, which Illinois, with her unanimous voice and all her heart, presented to the Convention for the Vice Presidency, was John A. Quitman, of Mississippi. [Immense and prolonged applause.]

Gen. J. L. Lewis, of Louisiana, was instructed by his delegation to present the name of John C. Breckinridge, of Kentucky, for the Vice Presidency. [Applause.]

Mr. Breckinridge arose amid great applause. It was some time before the cheering ceased and he could be heard. He said:

Mr. President: How can I adequately express my gratitude to the noble State of Louisiana, for this flattering manifestation of their good will? But, Sir, I have always held that promotion should follow seniority. Besides, I am already a candidate for the votes of the people, having been designated by the Democracy as the elector in my district, and expect soon to enter upon an active campaign—to traverse the valleys and climb the mountains of my native State, in behalf of the distinguished and noble candidate we have already selected for the Presidency, and, in advocacy of the glorious State Rights Platform, which we have adopted with such signal unanimity. There is still another reason why my name should not be pressed for this high post. The delegation of my own State, with which I cordially concur, have already presented the name of one of her sons—a tried and able champion of Democracy—for this very office. I can never consent that my name should be placed in opposition to, or my merits in competition with his. I beg, therefore, with grateful acknowledgements for the high compliment offered me by the delegation from Louisiana, that my name may be withdrawn. [Great applause.]

Mr. Chapman, of Alabama—Mr. President: In behalf of the Alabama delegation, I am proud to present for the consideration of the Convention, the name of one of her tried and talented statesmen; one who has already—in the high office he so worthily fills—evinced his fidelity to the faith of the Democracy; I name Benjamin Fitzpatrick. With such a name associated with that of Pennsylvania's great and wise statesman, Alabama, in the next contest, will roll up a majority of fifteen thousand. In answer to the objection that the last Vice President was taken from Alabama, I would remind the Convention of the melancholy event by which the nation was deprived of the services of that distinguished statesman, so long the intimate and confidential friend of James Buchanan. [Applause.]

A delegate from Tennessee nominated A. V. Brown, and spoke of his fidelity to the Democracy for thirty years; his intimacy and cor-

dial co-operation with Jackson and Polk, and declared that, with his name, the Democratic party would, in the next election, achieve one of the most brilliant triumphs in the history of political victories.

Mr. Wilson, of South Carolina—Mr. President: In behalf of the delegation of South Carolina, I beg to present to the Convention the name of one of the distinguished sons of the Old Dominion, whom genius, eloquence and sound Democracy commend him to the people, as the man for the high position for which we are now about to nominate the candidate. Sir, I allude to James A. Seddon. [Great applause.]

Jas. A. Seddon of Virginia—Mr. President, I appreciate profoundly the honor conferred by the nomination just made, and am especially gratified by the source whence it has proceeded. To receive the approving plaudits of the "gallant Ferey of the South" is inestimably grateful to my feelings, and till my heart's last throb must be borne in indelible remembrance. I must, however, decline the nomination tendered, and beg the honorable gentleman to withdraw my name from the candidacy. The Virginia delegation, with my entire assent, have concurred in the sentiment that, considering the circumstances under which she has acted and the position she has occupied in relation to the nomination for the Presidency, it would be more consistent with her dignity and honor that no son of hers should be placed in nomination for the Vice-President. In addition, I may add as my private judgment, that it would be more judicious and disinterested that no nomination for the Vice-Presidency should be made from among the delegates to the nominating body. In deference, therefore, both to the ascertained sentiment of my co-delegates and to my personal conviction, I beg, with all respect to the gallant State proposing me, that my name be withdrawn, and I am happy to be able to illustrate in my own case the principle of disinterestedness commended by my State and my own judgment.

Mr. Avery, of North Carolina—I am instructed by the delegation of North Carolina to call the attention of the Convention to the merits and qualifications of one of her distinguished sons, whose ability and high administrative talents have been so conspicuously displayed in that department of the Executive Government which is most intimately connected with the interest and feelings of the people. North Carolina was a modest State; she rarely obtruded her pretensions on her brothers of other States; but the great attainments, eminent services and wide popularity of her son, induced her delegation now to present his name for the second office in the gift of the Democracy. North Carolina presented the name of James C. Dobbin. [Loud cheers.]

Mr. Underwood, of Georgia—Mr. President: Since the Government was established, Georgia has had but three Cabinet or executive offices in the Government. Her recent brilliant triumphs for the Democracy give some claims to be considered in the choice of the candidate for at least the second office in the Government, I will, therefore, present the name of one of her sons who, in two of the severest political battles ever fought in the State, bore with his stalwart arm and dauntless heart the flag of Democracy to glorious victory, that man who had met one of the fiercest and most dangerous factions that ever raised its grim front in the land, and sent it howling back to its den.

I propose the name of Herschell V. Johnson. [Loud applause.]

Mr. Moore, of Maine, presented the name, and gave the eight votes of his State for Thomas J. Rusk, of Texas.

A delegate from Texas said that, while the delegation from Texas felt highly honored in having her favorite son named for the Vice-Presidency, they felt it their duty to that distinguished citizen to beg that his name be withdrawn. General Rusk had recently received the unanimous vote of the Legislature of his State for the United States Senate, and he felt it to be his duty to remain at his post and fulfill the wishes and guard the honor and interests of his State in that important sphere.

Mr. G. Salisbury, of Delaware, nominated Jas. A. Bayard, of his State, for the Vice-Presidency.

Mr. W. Salisbury, of Delaware—I nominate that eminent son of Delaware, and distinguished Democrat of Missouri, the standard-bearer of its gallant Democracy, Trusten Polk.

Mr. Phelps, of Missouri: Missouri highly appreciates this compliment to her distinguished citizen, coming as it does from his native State; but that gentleman had already been placed in nomination by the Democracy of Missouri for the Governorship of the State. He was already in the field, and the Democracy of Missouri could not spare him for any other post. He begged, therefore, that his name might be withdrawn.

In that State the contest is a peculiar one. Our geographical position and the strange effort made there by those upon whose pretensions this Convention has already passed, demands that the eloquent voice of our nominee for Governor shall continue to be heard, arousing her true Democracy as by a trumpet blast to the great battle, in which all friends of the Constitution and Union are now to engage under the national championship of the honored son of Pennsylvania. The Democracy of Missouri, by acclamation, put their standard into his hands—they mean to respond with enthusiasm to his appeals. Only a few weeks are to elapse before the election. It is too late for them in that vast State to change front now, by substitution of a new Gubernatorial candidate. Knowing his devotion to the cause, as manifested in the self-sacrifice he made, in consenting to bear our State banner, notwithstanding the situation of his private affairs, and knowing that his pure patriotism always beats exultant to the call of duty, regardless of self, the Missouri Delegation, profoundly thankful for the warm regard expressed by his native State, as well as others, beg his friends from Delaware to withdraw his name. Missouri, in her State election, must meet the first shock of the conflict. It is important that she should meet it triumphantly. The Democracy of the Union need Trusten Polk where he now is, and where Missouri has placed him. [Cheers.]

The President.—The Convention will now proceed to ballot for a candidate for the Vice Presidency. The Secretary will call the States.

Maine.—Rusk, 8 votes.

New Hampshire.—Quitman, 1; Fitzpatrick, 2; Dobbin, 2.

When Vermont was called, Mr. Smalley said—The delegation of Vermont believing that no Democrat has a right to refuse his services when his country calls, have instructed me to cast the five votes of Vermont for the talented, accomplished and eloquent son of Kentucky, John C. Breckinridge. [Loud applause.]

John C. Breckinridge, 5.

Massachusetts—Quitman, 1; Fitzpatrick, 2; Brown, 6; Johnson, 1;

Bayard, 1; Rusk, 2.

Rhode Island—Johnson, 4.

Connecticut—Johnson, 4.

New York—Quitman, 7; Bayard, 18.

New Jersey—Boyd, 2; Polk, 5.

Pennsylvania—Butler, 27.

Delaware—Bayard, 8.

Maryland—Johnson, 8.

Virginia—Breckinridge, 15.

North Carolina—Dobbin, 10.

South Carolina—Quitman, 8.

Georgia—Johnson, 10.

Alabama—Fitzpatrick, 9.

Mississippi—Quitman, 7.

Louisiana—Breckinridge, 6.

Ohio—Quitman, 8; Boyd, 6; Johnson, 2; Breckinridge, 7.

Kentucky—Boyd, 12.

Tennessee—Brown, 12.

Indiana—Boyd, 13.

Illinois—Quitman, 11.

Missouri—Bayard, 9.

Arkansas—Quitman, 4.

Michigan—Brown, 6.

Florida—Dobbin, 4.

Texas—Quitman, 8; Brown, 1.

Iowa—Breckinridge, 4.

Wisconsin—Rusk, 5.

California—Brown, 4.

Before the vote was announced, Maine changed her 8 votes from Rusk to Breckinridge; and New Hampshire changed her 5 votes, and cast them also for Breckinridge.

Total.—Quitman, 59; Boyd 33; Fitzpatrick, 11; Brown, 29; Dobbin, 13; Johnson, 31; Breckinridge, 51; Bayard, 31; Polk, 5; Butler, 27; Rusk, 7.

On the second ballot, Maine, New Hampshire and Vermont led off for Breckinridge—Massachusetts followed with eleven out of thirteen votes—Rhode Island followed with her four, then the New York Softs gave him eighteen. Delaware, Maryland and Virginia voting in the same way, it became quite obvious that he was the choice of the body, and though several of the remaining States voted for other candidates, they quickly, one by one, changed their votes; the several delegates making neat and appropriate speeches in announcing the change of the vote. The entire vote being polled for John C. Breckinridge, of Kentucky.

Then commenced the withdrawal.

Mr. Salisbury withdrew the name of Bayard, and threw the vote of Delaware for Breckinridge.

When Connecticut was called, P. C. Childs said: Mr. President—Let the South say whom they desire for this office, and we will put him through in a minute. If they don't agree, Connecticut will put Isaac Toucey in the field.

Another delegate from Connecticut—Oh, no: we will keep Toucey for some higher game.

Chapman, of Alabama, withdrew Fitzpatrick and threw the vote of that State for Breckinridge.

Col. Bates, of Tennessee, withdrew A. V. Brown, pledging his cordial support of the ticket and declaring the vote for Breckinridge.

Governor Matthews, of Mississippi, after returning thanks to Illinois for placing Mississippi's favorite son in nomination, withdrew the name of Quitman.

All the other candidates were severally withdrawn by the gentlemen who had nominated them.

Quickly all the other States changed their votes, wheeled into line, and before the roll was concluded there was a solid column of all the delegations, and TWO HUNDRED AND NINETY-SIX votes were given for John C. Breckinridge. (Immense cheering, long continued, enthusiastic and overwhelming.)

The whole Convention rose, and with waving of handkerchiefs and the loudest calls, directed its gaze upon the tall and graceful delegate from Kentucky, who had been so unexpectedly nominated for such an exalted post.

It was long before these demonstrations subsided so as to allow a word to be heard. At last the manly form of Mr. Breckinridge stood above the surrounding crowd, and silence and profound attention marking the aspect of the vast assembly, he spoke as follows:

Mr. President, and gentlemen of the Democratic National Convention: The result just announced is quite as unexpected to me as it could be to any gentlemen on this floor. In the inferior and personal aspect of the matter, I beg you to consider all said that ought to be said on such an occasion. I am truly and sincerely without words to convey to you my profound gratitude for such an unexpected and signal testimonial of your confidence and favor. I may say sincerely, and call upon my associates in this body to bear witness to its truth, that in my course as a member of this body, I have made no concealments of my preferences, nor used any art or taken one step toward bringing about this result.

But it is not my purpose to make a speech. I merely arose to express to you the thanks of a true heart. I may add, too, the declaration of my high appreciation of the association of my humble name with that of the distinguished and tried statesman of Pennsylvania. I

have always regarded Mr. Buchanan as the last survivor of that noble band of American statesmen and orators, whose names are associated with the brightest glories of our country, and whose deeds constitute its most cherished memorials. He has come down from that generation to transmit and guide us of the present. He has lived down calumny and detraction, and now stands forth the peerless champion of Democracy. Honored and beloved by all his countrymen, and only waiting a few months to be clothed with the highest dignity the nation and the people can confer.

The platform you have so unanimously adopted I need not, as a State-Rights man, say I cordially approve and indorse. With these true Jeffersonian principles, and with the temper of Jackson to enforce and maintain them, Democracy will enter the contest with the determination to add another to the brilliant victories which have so often crowned their efforts. It would not be appropriate to discuss any general principle or enter further upon the issues which will be involved in this contest. I will therefore conclude by expressing my purpose to devote all my heart and mind to the great duty which has been so unexpectedly conferred upon me, and to strive to justify the confidence which you have manifested. [Immense applause. Loud cheers within and without the hall.]

During the delivery of the speech of Mr. Breckinridge, the cannon of the Empire Club were thundering their approval of the nomination, and the Convention was boisterous in its applause.

When Mr. Breckinridge resumed his seat, there was a loud call for Mr. Preston of Kentucky, when that gentleman came forward and addressed the Convention in an eloquent off-hand speech, which produced the most thrilling effect.

Wm. E. Preston, of Kentucky said: Mr. President and Gentlemen of the Convention, I am at present laboring under much physical debility, but I can not feel insensible to the honor you have done me, by thus unexpectedly calling me to the stand. Although by this expression of your esteem, so genially given, I feel as much surprised as my friend and comrade must have been, by the great testimonial which you have but just now given by his selection—I will not say nomination—for the office of Vice-Presidency of the United States. For myself, I stand here comparatively a stranger amongst you; but he had a right by inheritance to the favorable opinions of the Democracy, and his elevation to the second office in the Government, is an auspicious augury of the return of Kentucky to the Democratic faith of her fathers. (Great applause.) It is the preliminary announcement of the return of my native State to the honored principles of the past, those principles which were in the ascendant, when John Breckinridge of Kentucky, the grand-father of the nominee, asserted with all the strength of a virtuous purpose and signal ability the celebrated resolutions of 1798, the foundation upon which yet repose the principles of the Democratic party, and their theory of the Constitution. I do not appropriate to myself personally the loud acclaims which have greeted me in this assembly, but I regard it as a generous earnest of that magnanimous regard which the Democracy have exhibited for all that true and loyal band of old Whigs whose honorable existence as a party having closed are now compelled to choose between the factions,—I will not flatter them with the name of parties,—that are struggling in unprincipled confusion for political ascendancy, and the great party of the national Democracy. I am proud to avow that I belong to those old Whigs who, revering the Constitution

of our country, look alone to its principles as the true safeguard of the Union, rather than to the bigoted and trenchant rituals of a secret organization.

Know, Mr. President, the glories of the men to whom I allude. They have come forward animated alone by love of Republican freedom, and disdaining the senseless mummeries of the Know Nothing order, and the treasonable doctrine of the Black Republican party, as honorable auxiliaries, to swell the ranks that to-day array themselves under the banner of the National Democracy, and under the brilliant leadership of Buchanan and Breckinridge. (Cheers.) I feel, sir, a profound satisfaction that we came to the aid of the party now assembled, and joined its standard in the hour of darkness and peril, without terms or compromise, neither asking honors, no longer as enemies but as friends determined to stand by that party which did not hesitate to sustain the Union and the Constitution. In many an honorable field, in many a tough contest, the old Whig party, led by its venerated statesmen, have encountered the Democracy, and sometimes with success. The policy of both were based on the Constitution, and were patriotic and comprehensive, but different. No blush of shame rose either to the cheek of the victor or the vanquished party when the fight was over but a manly acquiescence in the verdict of the people was yielded to the successful party. No oaths to proscribe the friendless, no obligations to infringe religious freedom stain their history, no treasonable dogmas like those of the Black Republicans, impairing, if carried into effect, the equality of the States and violating the Constitution, marked the race, but a free and honorable difference of opinion as to the commercial, financial and domestic policy which should be pursued by the nation. Against such factions, however, it now becomes the duty of the Whig party to do battle or send in servile capitulation. It is between them and the Democracy that the old Whigs of the country are compelled to decide. My choice is made, (cheers) and when I see around me the numbers of delegates who once were members of that organization—when I see them seeking refuge in the unshaken battalions of the Democracy—when I know that two or three hundred thousand of the old Whig party share our sentiments, I cannot doubt result. It would be unjust in me, to refuse the testimony I offer to the gallant and patriotic stand made by the Democracy during the last two years of the darkest hours that threatened the country. Standing as it does this day, it is more glorious far, than at any former period of its history. It occupies a grander position than when by the foresight of Jefferson, it secured the bright and fertile plains of Louisiana, or when it added the beautiful savannahs of Texas to the Union, or when it planted in triumph our standard upon the turrets of Mexico, or when it completed the continental breadth of the empire, by giving it an ocean boundary on either side, or when it impressed the arts, the arms, the civilization and the free institutions of our people upon the golden shores of California. (Applause.) Yes, Mr. President, grander by far stands the Democratic party of to-day, than at either of those proud epochs; because in the day of gloom and disaster it courageously confronted domestic dissensions, trampled under foot the foul theory of factions, and now prepares, in this hall, by these principles, and under the leaders to-day chosen, to maintain to the last extremity those principles upon which rest the prosperity of our country and the peaceful union of these States. It is true that, remembering rather the animosities of the past than the emergencies of the present, there are some of the old Whig guard that, like John Bunyan's pilgrims, yet halt at Doubting Castle; but when the telegraph bears upon its wings the result of this day's deliberations, their cheeks will no longer be sicklied with irresolution, but they will rush to your standard and join you for the common cause of their country. (Great applause.)

Permit me to add another remark: There were in the States of the North a company of gallant men feeling the force of constitutional obligations and recognizing the sovereign right of the States of the Confederacy both to regulate their own internal affairs and to lend the impress of our institutions to the common territory of the country, without sectional distinction, who, when Douglas, with the intrepidity of genius and the foresight of a statesman

ought to remove forever the irritating causes which for thirty years, had produced festering discontent at the North and the South, came forward as a forlorn hope, in the passage of the Nebraska-Kansas act. I shall never forget the deep emotions of respect and admiration with which I saw them repair to resist the sectional prejudices of the people they represented. It exhibited a moral grandeur worthy of the best days of the Republic. They prepared to execute at once and forever an act which was the logical consequence of the compromise of 1850, and to remove forever from the domination of Congress to the tribunals of the territories, the decision of the only great question which has disturbed the fraternal love of our country. All knew that the act was of such magnitude that it could not be performed without hearing a loud outcry of fanatics, malcontents and demagogues, but they proved themselves equal to the occasion. The tempest burst forth with all its fury; every foul element of religious rancor and hatred of race, was invoked to increase its strength. The treasonable wave of the Black Republican party united with the fierce fanaticism of the mis-called American order, swept over the land, and few were able to withstand the shock. I see many around me who were the victims of the misguided vengeance of the people. Let such men be remembered in your coming hour of victory. If they should never arise from their prostrate position, they have fallen because of their patriotism and courage, and the epitaph which marked the spot where the immortal three hundred fell at Thermopylae, might well be inscribed to commemorate their deeds: "Go, stranger, and at Laocædæmon tell that here, obedient to her laws, we fell." But I can not believe that such injustice would ever mark the history of the Democracy. I believe that the people, when the public reason is restored, will again lift them in their arms, bind up their wounds, and amid the clangor of the approaching Presidential contest, will hail them as leaders in the greatest battle which it has ever been the fortune of the Democracy to offer in behalf of the Constitution and the union, against all comers. *The first duty of the Democracy is to restore those to honor who were the first to maintain, at all hazards, the principles and honor of the Democratic party, and whom the enemies of the Democracy first overwhelmed.*

In conclusion, I return thanks, Mr. President, once more for the high kindness with which I have been signalized by this Convention; and, in tendering co-operation and allegiance to the Democratic party, I shall attempt, as far as lies within my humble power, to ride deep into the ranks of our adversaries, and win my spurs in the approaching battle. I shall do this in no inimical spirit, but I trust with all the fervor and sincerity of a man who appreciates the priceless blessings that our Union confers, believes that they can only be preserved by regarding all our people as equal without respect to institutions or sections, and is determined while his heart beats to know no friends or political associations which do not struggle to attain this end and preserve the Union by the only means it can be preserved, which is by a strict observance of the Constitution under which we live. I thank heaven that while I stand here to-day and gaze across at the hills of my native Kentucky, I stand with a party which by the unanimous voices of the delegates of thirty-one States, has emblazoned its policy upon its banner, by the party which, by a unanimous voice, has selected its leaders—leaders of known worth, ability and patriotism, as the exponents of its ideas, and a party which is the same, both in principles and in candidates, from the Atlantic to the Pacific, from Canada to the Gulf—a party that stands majestic in its strength and simplicity, divided by no chain of mountains, severed by no river, while all the other contending factions that hover around it, find that Southern institutions are the boundaries of their patriotism, and the Ohio river the frontier of their nationality. (Tremendous cheering.)

Mr. Petit, of Indiana, said—Mr. President, I thank you for the honor you have done me in calling me up on this occasion. There is in the history of the past of our party but little to bring a blush mantling upon the cheek; while if we look forward there is much to beckon

onward, and invite us to new hopes, new trials, new victories and onwards. With the platform you have presented, you will march to victory, and give repose to the country.

You have crushed out the viper of a secret organization which disseminated itself through the land, poisoning the springs of liberal and virtuous political action; and you stand upon a firm foundation with your candidates before the country, certain to triumph in the approaching contest. [Mr. Petit spoke further, but in consequence of confusion upon the floor we were unable to catch his remarks.]

Mr. Richardson, of Illinois, moved that the Chair appoint a committee of nine to officially inform Messrs. Buchanan and Breckinridge of their nomination. Carried.

The President appointed the following gentlemen to constitute said Committee:—

Richardson of Illinois, Hibbard of New Hampshire, Lawrence of Rhode Island, Brown of Mississippi, Tucker of Virginia, Forsyth of Alabama, Manning of South Carolina, Preston of Kentucky, Horatio Seymour, of New York.

At the unanimous and earnest request of the Convention, the name of the President, John E. Ward, was added to the Committee as Chairman thereof.

The Special Committee appointed to select a National Committee submitted the following report:—

*Resolved*, That the next Democratic National Convention, be held at Charleston in the State of South Carolina.

*Resolved*, That the rule adopted by the Convention of 1852, and acted upon in this Convention, be the rule for the number of delegates each state shall be entitled to in the next Democratic National Convention, and that the National Committee, in calling the next Convention, shall provide seats therein for each State equal to twice the number of its electoral votes, and no more.

*Resolved*, That the time of holding the next Convention be designated by the Democratic National Committee, and that, in their call, the resolutions of 1852, providing for the number of delegates, be inserted as the rule for choosing delegates.

*Resolved*, That the National Democratic Committee cause an official report of the proceedings of this Convention to be prepared, published and distributed among members, for their respective States, and that said report shall contain a list of the names of and the post office address of each delegate, and the number of electoral votes of each State.

*Resolved*, That the first State Convention to be held in New York under one undivided Democratic organization, be authorized by this Convention to appoint a member of the National Committee from that State.

(Signed.)

THOS. MCCREERY, *Chairman*.

W. M. PUGH, *Secretary*.

After reading the report Mr. McCreery said:—

In selecting a place for holding the next Convention, the Committee was divided between New York and Charleston. The Democracy of both have been recently distracted and divided; let this be received by them as an offering and incentive to union and continued exertion in the great Democratic cause. In the name of the Committee he presented the report.

Judge Beardsley would make an explanation as to New York with regard to this matter. It will be understood by the Convention that until quite recently the Democracy of New York to which I belong, did not comprehend that proposition by which it is intended to send

the question of the selection of a National Committeeman to the next State Convention to be held in New York. We are prepared to live up to the arrangement into which we have entered. I hope that it may have the effect of producing that harmony among us which is so much to be desired; but I hope this Convention will not send to New York for decision the trivial matter of selecting a Committeeman. It would be a thorn in the side of the Democracy there, and likely to cause fresh irritation and disagreement. He would move that all that part of the report relating to the New York National Committeeman be stricken out.

Mr. Ludlow opposed this motion. If the matter was so trivial of itself, why should it be stricken out? This matter relating to New York, should be sent to New York for decision. He assured them that New York had been out of communion with the Democracy of the Union too long, and they did not desire to have no committeemen for four years longer, but wished to be in communication with other States in the National Committee.

On motion of Mr. Mc... of Virginia, the following resolution was offered for the one reported by the committee on the subject:

*Resolved*, That each delegation report a name to the Chairman to be placed by him in a hat, and that he draw one of the names, the same to be declared duly elected a member of the Committee.

The resolution was adopted and the report was then agreed to.

Thereupon, the President requested each delegation from New York to send one name to the President's table, so that the choice might be made. The delegation represented by Judge Beardsley, submitted the name of Augustus Schell. Mr. Ludlow said those whom he represented would yield to the other members of the New York delegation the member of the committee for that State, rather than trouble the Convention with such a matter. And the President then announced that Augustus Schell was selected as the member of said committee on the part of New York.

The National Democratic Committee, as chosen, was composed of the following gentlemen:

#### NAMES OF NATIONAL COMMITTEE.

STATE.	NAME.	POST OFFICE.
Maine.....	John Babson.....	Wiscasset.
New Hampshire .....	John H. George.....	Concord.
Vermont.....	David A. Smalley.....	Burlington.
Massachusetts .....	James Cheever.....	Boston.
Rhode Island.....	Elisha R. Potter.....	South Kingdon.
Connecticut .....	James T. Pratt.....	Rocky Hill.
New York.....	Augustus Schell.....	New York City.
New Jersey.....	Jacob Vanatta.....	Morristown.
Pennsylvania.....	C. L. Ward.....	Towanda.
Delaware .....	Wm. D. Ochiltree.....	New Castle.
Maryland.....	Richard B. Carmichael....	Centreville.
Virginia.....	Wm. H. Clark.....	Halifax Court House.
North Carolina.....	Thos. D. McDowell.....	Elizabethtown.
South Carolina.....	Benjamin H. Wilson.....	Georgetown.
Georgia.....	Wm. K. DeGraffenried....	Macon.
Alabama.....	Henry D. Smith.....	Florence.

Mississippi.....	Wm. R. Cannon.....	Columbus.
Louisiana.....	Thomas E. P. Cottman.....	Donaldsonville.
Ohio.....	C. L. Vallandigham.....	Dayton.
Kentucky.....	George A. Caldwell.....	Louisville.
Tennessee.....	Randal W. McCavock.....	Nashville.
Indiana.....	James R. Stack.....	Huntington.
Illinois.....	Thomas Dyer.....	Chicago.
Missouri.....	John M. Krum.....	St. Louis.
Arkansas.....	Albert Rust.....	El Dorado.
Michigan.....	Jacob Bessan.....	Niles.
Florida.....	A. E. Maxwell.....	Pensacola.
Texas.....	Wm. S. Oldham.....	Austin.
Iowa.....	Wm. Thompson.....	Burlington.
Wisconsin.....	Geo. B. Smith.....	Madison.
California.....	Sam'l H. Dosh.....	Shasta.

Mr. White, of Connecticut, offered a resolution pledging the exertions of the Democracy to bring about the single term system.

Referred to the Committee on Resolutions without debate.

On motion of Mr. Riddle, of Delaware, it was

*Resolved*, That the unanimous thanks of this Convention, be and are hereby extended to the Hon. John F. Ward, the presiding officer, and his able assistants, and also to the Hon. A. P. Edgerton, and associates, Committee of Arrangements, and all other officers, for the able, dignified and efficient manner in which they have discharged their respective duties.

The resolution was adopted unanimously.

On motion of S. W. Inge, of California,

*Resolved*, That the thanks of this Convention are due, and are hereby specially tendered to Mr. Julius Hesse, of Alabama, and to Alex. F. Gray, of Wisconsin, principal Secretaries, for their sagacity, zeal, and attention to the laborious duties of the Convention.

Adopted unanimously.

A vote of thanks to the citizens of Cincinnati for their hospitality and kindness during the session of the Convention, was also passed.

On motion, the Convention then adjourned *sine die*.

JOHN E. WARD, President.

WM. K. KIMBALL.  
H. KIMBALL.  
ISAAC B. BOWDITCH.  
J. C. ABBOTT.  
WM. J. MILLER.  
WM. D. BISHOP.  
WM. HANNA.  
JOHN N. HUTCHISON.  
W. P. SNOW.  
WM. F. RITCHIE.  
H. G. WILLIAMS.  
B. WILSON.  
H. BUCHANAN.  
JULIUS HESSE.  
A. DERBIS.

W. H. H. DIXON.  
AMOS LAYMAN.  
SAMUEL WILLIAMS.  
JACOB MILLER.  
JAMES ELDER.  
C. H. LAMPHEIR.  
DANIEL D. BERRY.  
R. E. JACKSON.  
C. C. CHATFIELD.  
J. R. BROOKS.  
W. C. POLLOCK.  
A. T. WALLING.  
A. T. GRAY.  
J. N. DAWLEY.

*Secretaries.*

After the motion to adjourn was declared to be carried, the President, on the enthusiastic and repeated call of the Convention came forward and spoke, in substance, as follows :

I have occupied too much of your time to trespass longer on your patience. I came among you an unknown stranger, without a herald to announce me. I have been received by you in a manner, and honored by you with a position far beyond what my fondest hope could have anticipated. Now as I was to the duties which belong to that station, I have found you ready and willing, at all times, to forget my errors, and to sustain me in the discharge of those duties. I have made errors which appear as facts on the record ; but I trust I have no faults to be fastened on your recollections. The struggle here has been nobly and manfully contested. Three of the greatest names that adorn our country have been presented to this Convention. They came before it with ardent, noble, devoted friends. Our enemies said in their hearts, like the foes of David, " Ah ha ! Ah ha ! So we would have it." They anticipated what they classically termed a fight of the Kilkenny cats. But what was the result ? The moment the Convention designated a man as the choice of the majority, the minority stepped forward and offered on the altar of their country, a sacrifice of their friendship—the strongest feeling that can animate a man. Though the contest has been warm, it has not been an embittered one ; and when we pass beyond these walls, and go forth to rally around the standard which is borne aloft by that glorious old son of Pennsylvania, and beneath whose mighty shade this whole nation will find repose from the distractions which have agitated it, let us forget the past, and let our quarrels be like those between man and wife—violent while they last, but tending to a closer and sweeter communion.

These remarks were received with loud cheers, after which the crowd of delegates and other spectators separated.

## CORRESPONDENCE.

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LANCASTER, June 13th, 1856.

SIR:—The National Convention of the Democratic party, which assembled at Cincinnati, on the first Monday in June, unanimously nominated you as a candidate for the office of President of the United States.

We have been directed by the Convention to convey to you this intelligence, and to request you, in their name, to accept the nomination for the exalted trust which the Chief Magistracy of the Union imposes.

The Convention, founding their action upon the time-honored principles of the Democratic party, have announced their views in relation to the chief questions which engage the public mind; and, while adhering to the truths of the past, have manifested the policy of the present in a series of resolutions, to which we invoke your attention.

The Convention feel assured, in tendering to you this signal proof of the respect and esteem of your countrymen, that they truly reflect the opinion which the people of the United States entertain of your eminent character and distinguished public services. They cherish a profound conviction that your elevation to the first office in the Republic, will give a moral guarantee to the country, that the true principles of the Constitution will be asserted and maintained; that the public tranquillity will be established; that the tumults of faction will be stilled; that our domestic industry will flourish; that our foreign affairs will be conducted with such wisdom and firmness as to assure the prosperity of the people at home, while the interests and honor of our country are wisely but inflexibly maintained in our intercourse with other nations; and, especially, that your public experience and the confidence of your countrymen, will enable you to give effect to Democratic principles, so as to render indissoluble the strong bonds of mutual interest and national glory which unite our confederacy and secure the prosperity of our people.

While we offer to the country our sincere congratulations upon the fortunate auspices of the future, we tender to you personally, the assurances of the respect and esteem of

Your fellow-citizens,

JOHN E. WARD.  
W. A. RICHARDSON.  
HARRY HIBBARD.  
W. B. LAWRENCE.  
A. G. BROWN.  
JNO. L. MANNING.  
JOHN FORSYTH.  
W. PRESTON.  
J. RANDOLPH TUCKER.  
HORATIO SEYMOUR.

Hon. JAMES BUCHANAN.

## MR. BUCHANAN'S ACCEPTANCE.

WHEATLAND, (near Lancaster,) }  
June 16, 1856. }

GENTLEMEN:—I have the honor to acknowledge the receipt of your communication of the 13th instant, informing me officially of my nomination by the Democratic National Convention, recently held at Cincinnati, as the Democratic candidate for the office of President of the United States. I shall not attempt to express the grateful feelings which I entertain towards my Democratic fellow-citizens for having deemed me worthy of this—the highest political honor on earth—an honor such as the people of no other country have the power to bestow. Deeply sensible of the vast and varied responsibility attached to the station, especially at the present crisis in our affairs, I have carefully refrained from seeking the nomination either by word or by deed. Now, that it has been offered by the Democratic party, I accept it with diffidence in my own abilities, but with an humble trust, that in the event of my election, I may be enabled to discharge my duty in such a manner as to allay domestic strife, preserve peace and friendship with foreign nations, and promote the best interests of the Republic.

In accepting the nomination I need scarcely say that I accept in the same spirit, the resolutions constituting the platform of principles erected by the Convention. To this platform I intend to confine myself throughout the canvass, believing that I have no right, as the candidate of the Democratic party, by answering interrogatories, to present new and different issues before the people.

It will not be expected that in this answer, I should specially refer to the subject of each of the resolutions; and I shall therefore confine myself to the two topics now most prominently before the people.

And in the first place, I cordially concur in the sentiments expressed by the Convention on the subject of civil and religious liberty. No party founded on political or religious intolerance towards one class of American citizens, whether born in our own or in a foreign land, can long continue to exist in this country. We are all equal before God and the Constitution; and the dark spirit of despotism and bigotry which would create odious distinctions among our fellow-citizens, will be speedily rebuked by a free and enlightened public opinion.

The agitation on the question of Domestic Slavery has too long distracted and divided the people of this Union and alienated their affections from each other. This agitation has assumed many forms since its commencement, but it now seems to be directed chiefly to the Territories; and judging from its present character, I think that we may safely anticipate that it is rapidly approaching a "finality." The recent legislation of Congress respecting domestic slavery, derived, as it has been, from the original and pure fountain of legitimate political power, the will of the majority, promises ere long, to allay the dangerous excitement. This legislation is founded upon principles, as ancient as free government itself, and in accordance with them, has simply declared that the people of a Territory, like those of a State, shall decide for themselves, whether slavery shall or shall not exist within their limits.

The Nebraska-Kansas Act does no more than give the force of law to this elementary principle of self-government; declaring it to be "the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom; but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." This principle will surely not be controverted by any individual of any party professing devotion to popular government. Besides how vain and illusory would any other principle prove in practice in regard to the Territories! This is apparent from the fact admitted by all, that after a territory shall have entered the Union and become a State, no Constitutional power would then exist which could prevent it from either abolishing or establishing slavery, as the case may be, according to its sovereign will and pleasure.

Most happy would it be for the country if this long agitation were at an end. During its whole progress it has produced no practical good to any human being, whilst it has been the source of great and dangerous evils. It has alienated and estranged one portion of the Union from the other, and has even seriously threatened its very existence. To my own personal knowledge, it has produced the impression among foreign nations that our great and glorious confederacy is in constant danger of dissolution. This does us serious injury, because acknowledged power and stability always command respect among nations, and are among the best securities against unjust aggression and in favor of the maintenance of honorable peace.

May we not hope that it is the mission of the Democratic party, now the only surviving conservative party of the country, ere long to overthrow all sectional parties and restore the peace, friendship, and mutual confidence which prevailed in the good old time, among the different members of the confederacy. Its character is strictly national, and it therefore asserts no principle for the guidance of the Federal Government which is not adopted and sustained by its members in each and every State. For this reason it is everywhere the same determined foe of all geographical parties, so much and so justly dreaded by the Father of his Country. From its very nature it must continue to exist so long as there is a Constitution and a Union to preserve. A conviction of these truths has induced many of the purest, the ablest and most independent of our former opponents, who have differed from us in times gone by upon old and extinct party issues, to come into our ranks and devote themselves with us to the cause of the Constitution and the Union. Under these circumstances, I most cheerfully pledge myself, should the nomination of the Convention be ratified by the people, that all the power and influence, constitutionally possessed by the Executive, shall be exerted in a firm but conciliatory spirit, during the single term I shall remain in office, to restore the same harmony among the sister States which prevailed before this apple of discord, in the form of slavery agitation, had been cast into their midst. Let the members of the family abstain from intermeddling with the exclusive domestic concerns of each other, and cordially unite, on the basis of perfect equality among themselves, in promoting the great national objects of common interest to all, and the good work will be instantly accomplished.

In regard to our foreign policy, to which you have referred in your communication,—it is quite impossible for any human foreknowledge to prescribe positive rules in advance, to regulate the conduct of a future administration in all the exigencies which may arise in our various and ever changing relations with foreign powers. The Federal Government must of necessity exercise a sound discretion in dealing with international questions as they may occur; but this under the strict responsibility which the Executive must always feel. The people of the United States and the judgment of posterity. You will therefore excuse me for not entering into particulars; whilst I heartily concur with you in the general sentiment, that our foreign affairs ought to be conducted with such wisdom and firmness as to assure the prosperity of the people at home, whilst the interests and honor of our country are wisely but inflexibly maintained abroad. Our foreign policy ought ever to be based

upon the principle of doing justice to all nations, and requiring justice from them in return; and from this principle I shall never depart.

Should I be placed in the Executive Chair, I shall use my best exertions to cultivate peace and friendship with all nations, believing this to be our highest policy as well as our most imperative duty; but at the same time, I shall never forget that in case the necessity should arise, which I do not now apprehend, our national rights and national honor must be preserved at all hazards and at any sacrifice.

Firmly convinced that a special Providence governs the affairs of nations, let us humbly implore his continued blessing upon our country, and that he may avert from us the punishment we justly deserve for being discontented and ungrateful whilst enjoying privileges above all nations, under such a Constitution and such a Union as has never been vouchsafed to any other people.

Yours, very respectfully,

JAMES BUCHANAN.

Hon. JOHN E. WARD, W. A. RICHARDSON, HARRY HIBBARD, W. B. LAWRENCE,  
A. G. BROWN, JOHN L. MANNING, JOHN FORSYTH, W. PRESTON, J. RANDOLPH TUCKER, and HORATIO SEYMOUR, Committee, &c.

BLACK REPUBLICAN

IMPOSTURE EXPOSED!

FRAUD UPON THE PEOPLE!

FREMONT NO SOLDIER!

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WASHINGTON:  
1856.

## FREMONT NO SOLDIER.

The Black Republican party, in the pursuit of some name to mislead a popular enthusiast, always prompt to appreciate noble and generous traits, have taken up that of Mr. Fremont. They claim that he has rendered public services in war, diplomacy, and science, which entitle him to be eminently fit to discharge the duties of the Presidency, and that he has developed qualities which entitle him to that office at the hands of a generous and grateful people.

It is our purpose to examine these pretensions with fearlessness, impartiality, and truth. We shall show from the records that, whether advanced by Mr. Fremont or his adherents, they constitute a false and fraudulent attempt to deceive, by claiming honors which belong to others, and by pretending to have performed services with which Mr. Fremont had nothing to do, to reach the Presidency by a sordid and dishonourable imposture! to be practised upon the American people.

The first of these claims which we shall refute is, that *Colonel Fremont won the conquest of California.*

This claim is asserted in the following quotation:

"The prudence, boldness, skill, and endurance displayed by Colonel Fremont in the conquest of California." (1.)

"The Colonel [Fremont] complied with the Commodore's [Stockton] request, waiving the rights which he might have asserted in the conquest and liberation of the country," [CALIFORNIA.] (2.)

"That remains to be told of the conquest of California by Colonel Fremont." (3.)

"He [Fremont] might have claimed as the real conqueror of California." (4.)

"Like Columbus, Colonel Fremont returned from the discovery and conquest of a new world beyond the Rocky mountains, a prisoner and in disgrace." (5.)

"Under these circumstances, he determined to turn upon his Mexican pursuers, and seek safety both for his own party and the American settlers, not merely in the defeat of Castro, but in the total overthrow of the Mexican authority in California, and the establishment of an independent government in that extensive department. It was on the 6th of June, and before the commencement of the war between the United States and Mexico could have there been known, that this resolution was taken; and, by the 6th of July, it was carried into effect by a series of rapid attacks, by a small body of adventurous men, under the conduct of an intrepid leader, quick to perceive and able to direct the proper measures for accomplishing such a daring enterprise." (6.)

"We made common cause, and I determined to seek safety, both for them and ourselves, not merely in the defeat of Castro, but in the total overthrow of Mexican authority in California, and the establishment of an independent government in that extensive province. In concert, and in co-operation with the American settlers, and in the brief space of about thirty days, all was accomplished north of the bay of San Francisco, and independence declared on the 6th day of July. This was done at Sonoma, where the American settlers had assembled."

(1.) Bigelow's Life of Fremont: New York, Derby & Jackson, 119 Nassau street; and H. W. Derby & Co., Cincinnati, 1858.

(2.) Id. 161.

(3.) Id. 165.

(4.) Id. 193.

(5.) Id. 214.

(6.) Id. 149.

I was called, by my position, and by the general voice, to the chief direction of affairs, and on the next day, at the head of 160 mounted riflemen, set out to find General Castro."(7.)

We have cited authorities to show that Colonel Fremont claimed to have commenced the conquest of California, and to be the true "CONQUEROR and LIBERATOR" of that province. This claim is repeated almost in the same terms by his father-in-law, Mr. Benton, by the Secretary of War, Mr. Marcy, and by the biographer of Mr. Fremont. For all of which, himself and his party are responsible until they shall have disavowed or contradicted the claim.

#### CONQUEST BEGUN BY INDEPENDENT AMERICAN SETTLERS.

It seems that the governments of the United States and Mexico apprehended a collision long before the war between them actually began. The Mexican government, in the months of January and February, 1846, ordered the governor of California to expel all foreigners from that province. During the month of May, the authorities were organizing a force to execute this order. The foreigners took the alarm. They determined to resist the decree of expulsion, revolutionize the government of California, and like the Texans apply for admission into the Union. We must refer our readers to the admirable speech of Senator Thomson, of New Jersey, for a narration of the first measures taken by the American settlers to protect themselves and maintain their independence,(8) as well as for conclusive proof that Colonel Fremont did not begin the conquest of California.

There are other evidences going to show that Colonel Fremont was not regarded by his contemporaries as the author of the independence of California. They will be found in the correspondence between Commander Montgomery, of the "Portsmouth," and Commodore Sloat, and also in the correspondence between Commander Montgomery and Captain John D. Grigsby, commanding the military post of Sonoma, and of the same officer with Captain Fremont. This correspondence shows that the independent settlers corresponded upon their own authority, and that the officers of the United States navy did not recognize Captain Fremont in any other capacity than as an officer of engineers.

But it is claimed by Colonel Fremont and his friends, that the declaration of independence was the cause of the first act of conquest by Commodore Sloat.

To insure the merit of having either conquered California or caused its conquest, Colonel Fremont has, in the personal narrative with which he prefaces his defence before the court-martial, deduced his title with great logical skill from the claim that he made the declaration of independence. This deduction is a fabric very carefully underpinned with three or four assumptions, either of which being touched, the demonstration tumbles to the ground.

"Commodore Sloat," says Mr. Fremont, "arrived at Monterey on the 2d of July. He did not take it; he hesitated; on the 7th he did. He

(7.) Id. 230.

(8) See Senator Thomson's speech, delivered in the Senate, 9th August, 1846.

by that time heard of my operations, and supposed I had received instructions." He then adds: "Commodore Sloat's action was determined by mine. This action of the 7th anticipated the arrival of Admiral Seymour, who found the American flag flying, when it is probable he came prepared to be invited to plant the British."

Therefore, argues Colonel Fremont, if he had not established the independence of California, Commodore Sloat would not have captured Monterey; and if he had not captured Monterey, Admiral Seymour would have taken possession of and protected California. But, in order to make this claim of having established the independence of California as impressive as possible, Mr. Benton takes a trifling liberty with facts and dates, and invests it with all the dramatic interest of a tableau. He says:

"The next day (16th) Admiral Seymour arrived; his flag-ship, the *Collingwood*, of 80 guns, and his squadron the largest British fleet ever seen in the Pacific. To his astonishment he beheld the flag flying over Monterey, the American squadron in its harbor, and Fremont's mounted riflemen encamped over the town"—[our italics.] "His mission was at an end; the prize had escaped him; he attempted nothing further, and Fremont and Stockton rapidly pressed the conquest of California to its conclusion." (9)

Now, as the despatches of Commodore Sloat say, on the 16th July, that he is "wholly at a loss as to the whereabouts of Captain Fremont," (9) and as the same officer says that Purser Fauntleroy found Captain Fremont at St. John's on the 17th July, and with him "returned to Monterey on the 19th," (10) it must follow that Admiral Seymour must have been terrified by an optical delusion. Indeed, it so happens that the biography from which we quote proves that the presence of Fremont could not have contributed to prevent the intervention of the British fleet.

"It happened," says the biography, "that the British ship of war *Collingwood*, of 80 guns, had arrived about a week after the capture. (of Monterey.) Among the officers of the *Collingwood* who happened to be at Monterey and saw Fremont enter the place with his company, [our italics] was Lieutenant Frederick Walpole, who has given us his impression of the *apparition*."

And Commodore Sloat says that "the visit of the (British) Admiral was very serviceable to our cause in California, as the inhabitants fully believed we would be obliged to abandon our conquest; but when they saw the friendly intercourse subsisting between us, and found that we could not interfere in their behalf, they abandoned all hope of ever seeing the Mexican flag fly in California again." So it appears that Colonel Fremont neither asserted the independence of California nor caused its occupation by the navy of the United States.

He has been convicted of an unworthy attempt to convert to his own purposes the achievements of others.

We leave the navy to take care of itself, as it has done and will do; but we cannot withhold an expression of indignant sympathy for the poor settlers, from whom the honor of having achieved their own independence is to be taken away.

They were very plain men, not fillibusters. "We wish your advice

(9) See Ex. Doc. No. 1, 2d session 30th Congress, page 1025.

(10) Ex. Doc. No. 1, 2d session 30th Congress, page 1007.

in all respects," says "John C. Frémont, captain," writing on the 12th July from Sonoma to Commander Montgomery, "as we are not a company of men accustomed to such business." But though not accustomed to the "business" of making revolutions, they succeeded very well. The revolution had been made at the risk and on account of these independent settlers. They risked life, family, and property. They were compelled to stand and resist. For them there was no retreat, no escape. Colonel Fremont risked nothing. He had a party of men unincumbered by the ties of property or kindred, prepared to recross the mountains to the United States at a moment's warning. He was entitled in California. If the revolution made by the settlers was successful, he was safe in California; if unsuccessful, he was but obliged to do that which he had been compelled to do any way. The revolution was perfectly successful, and Colonel Fremont accepts the protection which it affords him. Yet, no sooner does an opportunity offer to turn these humble but heroic deeds to his own personal advantage, than Colonel Fremont seizes upon these acts as his own, establishes his claim by the testimony of a little home-made history, and not only does he ignore the existence of his protectors entirely, but boldly claims all they have done as his own!

CONQUEST CONTINUED BY COMMODORES SLOAT AND STOCKTON.

We now proceed with our refutation of the claim that *Colonel Fremont effected the conquest of California in conjunction with Commodore Stockton.* For this modification of the original claim of conquest there is a substantial reason. Upon the trial of Colonel Fremont, before the court-martial, on a charge of military insubordination, he disclaimed the honor of having been the sole "conqueror and liberator of California," and took in a partner; the firm of conquest thenceforth became

FREMONT AND STOCKTON.

This was indispensable, because the persistence in the original claim would not only have involved a sentence of capital and infamous punishment, but the authority of Governor Fremont to have drawn bills, bought cattle, and done other acts, depended upon the fact of a conquest of California made under the law of nations by Commodore Stockton, from whom Colonel Fremont derived his gubernatorial commission.

If Commodore Stockton was the conqueror of California, Col. Fremont stood acquitted of all charge, and his contracts as governor stood firm; if Commodore Stockton was not the conqueror of California, Col. Fremont was an usurper, an insubordinate soldier, a defaulting adventurer.

Here is the act of abdication:

"That I was then governor and commander-in-chief in California, is proved by the testimony of Commodore Stockton; and the production of his original commission, and his right to bestow that commission upon me, resulted from his own right to constitute himself governor. All acts were done under the law of nations, and by virtue of the law of conquest;" (11) [Our italics.]

I am advised by counsel that the appointment of myself as governor by Commodore Stockton was a valid appointment under the law of nations, and that, upon the same principle, his appointment of myself as his successor was equally valid; and that in neither case was the approval of the President of the United States necessary to the validity of the appointment." (12)

In addition to this, Col. Fremont pleaded that he was "a military subordinate;" (13) that he was "an incident and a subordinate in this contest, where it had originated and turned up here for criminal prosecution;" (14) a subordinate in rank as in this contest."

He also entered a protest against the trial by court-martial, on the ground that Commodore Stockton and General Kearney were contending for "supreme command in California; that the decision of that contention was attempted to be devolved upon Lieut. Col. Fremont, as commander of the California battalion, by Gen. Kearney giving him orders in contradiction to those of Commodore Stockton, which decision Lieut. Col. Fremont declined to make, and determined to remain, as he and the battalion were, under the command of Commodore Stockton, until his two superior officers decided their own contest. Looking upon this to be the correct answer, the undersigned feel it to be their duty to PROTEST, and to PROTEST, against trying that question in the person of Lieut. Col. Fremont." (15)

It was thus the conqueror squatted down between Stockton and Kearney, and putting up his hands, protested that he was but "a subordinate" and "an incident"—a mere incident to the conquest! that the question of comparative supremacy was between his "two superior officers," and "ought not to be tried in his person." He has been compared to Columbus, brought from the field of conquest and discovery in chains. Col. Fremont resembles rather the repentant Panza, willing to give up the honors if he be but relieved from the responsibilities of office.

But notwithstanding this formal and solemn act of abdication and his quit-claim to conquest, Colonel Fremont, like the philosopher rejecting the theory of terrestrial rotation, continued to mutter:

"If Commodore Stockton had not taken the command and lead in the war, I should have continued the war as I began it, with the men of my topographical party and the American settlers, and had not and have not a doubt of our success." (16)

Whilst his parental biographer and counsel, who had put in the various acts of abdication in a fruitless attempt to shield him from the condemnation of the court-martial, boldly renounces the claim that

"The fate of California would have been the same whether the United States squadron arrived or not, and whether the Mexican war had happened or not." (16)

The act of abdication is, however, final. It releases the merit of having conducted the conquest, and no subsequent assertion of the same claim can ever revive it.

Such is the humiliating withdrawal of a claim asserted at the expense of others.

(12) *Ibid.*, 371.

(13) Letter to Adjutant General, 17th April, 1847.

(14) Sen. Ex. Doc. No. 33, 2d session 30th Congress, page 40.

(15) Sen. Doc. 33, 1st session 30th Congress, p. 376.

(16) "Thirty Years' View," quoted by Bigelow at page 145.

But it was only withdrawn when the assertion was unsafe, to be repeated again when there was prospect of political profit.

But last it be alleged that we have taken a disclaimer extorted from Colonel Fremont under the stress of a capital trial, we intend to prove, by an extended though a succinct narrative of the campaign of conquest, that Colonel Fremont did not participate in any active event, nor is entitled to any share of the honor.

*It is claimed that Colonel Fremont could have effected the conquest of California without the assistance of the American navy, or without even the declaration of war by the United States against Mexico.*

Let us examine and refute this preposterous demand upon public credulity.

We have a right to infer that Colonel Fremont, upon his return to California from Oregon, was destitute of the means for effecting an independent revolution. He had just accomplished a toilsome journey, attended with great loss of stock and supplies. He had applied to the commander of the United States ship the Portsmouth for assistance. Commander Montgomery says, under date of the 9th July, 1846: "To the latter (Captain Fremont) I have supplied funds and stores amounting to \$2,199."

According to Captain Grigsby the forces at Sonoma numbered about fifty men capable of bearing arms. As an indication of the resources of the settlers, Captain Grigsby says:

"There are some poor men here (Sonoma) that are getting very short of clothing. I wish to know in what manner they might be procured for them. If there be no provision made, they will be compelled to leave." (17)

When Colonel Fremont arrived at Monterey on the 19th July, 1846, he had 160 men. This was his whole force. This, then, was the "input" of Colonel Fremont into this copartnership of conquest. Let us see the comparative contribution of the United States.

Commodore Sloat appeared at Monterey with a squadron, consisting of the frigates Congress and Savannah, the sloops of war Portsmouth and Cyane. There were at Monterey 360 men furnished from the "Congress." There were other vessels on the Pacific coast. They had taken several prizes. They had on board men, arms, and provisions; they had money, and power to command by loan or requisition any money in private hands in the hands of California merchants, for almost all the cities of California were under the broadside of the American squadron. They were blockaded. We have shown that they had no hope of foreign aid, and might be sacked, burned, or razed to the ground. Mexico was at that time engaged in war with the United States, and unable to spare a man or a weapon for the defence of California. The American fleet had blockaded Acapulco and San Blas, occupied Mazatlan, bombarded and reduced Guaymas, and swept the whole Pacific coast without resistance.

Now, to determine the truth of the assertion that Colonel Fremont could have conquered California by himself, he should first refund the stores and supplies furnished him by the United States. He would then

born left with 160 men to encounter the whole power of Mexico, with the aid of "the largest British fleet which had ever been seen in the Pacific." We have no opinion of the military capacity of Mexico, and abiding faith in the resolution and resources of the American settlers to arms. But that excess of numbers will prevail over any degree of discipline and courage, we may cite the lamentable massacres which occurred in the early struggles of Texas.

We therefore dismiss this unmeaning boast, as only intended to impose upon and deceive those who may not pause to examine its absurdity.

With these formidable resources, Commodore Sloat on the 7th July had "disembarked 250 seamen and marines" at Monterey, and landed under "command of the guns of the ships." He made a stockade fort around the valley at Monterey; built a block-house; mounted two or three 42-pounders on one side; three or four long 32's to command the bay, and organized a large party of horse. When he left Monterey, he reported that no further opposition would be made to our taking possession of the whole of the Californias.

Each, then, was the relative contribution to the conquest made by the two parties, between whom it is now proposed by the Black Republicans to divide an honor which they cannot monopolize.

We return to the proof, that Colonel Fremont did not effect the conquest of California in conjunction with Commodore Stockton.

When the coast cities of California had been reduced by the American squadron, Commodore Stockton advanced upon the only interior city of California—the City of the Angels, the seat of provincial government. It was upon this expedition that Colonel Fremont and his command joined the navy of the United States, under the command of Commodore Stockton. Our readers will remember that the chief cities in California were situated on the coast, and the City of the Angels, the seat of government, a short distance (27 miles) from San Pedro, upon the coast. On the 22d July, 1846, Colonel Fremont embarked at Monterey with his command upon the Cyane. He was to go to San Diego, a distance of about 140 miles from the City of the Angels.

About the 6th of August, Commodore Stockton was upon his advance from San Pedro, with about 360 seamen and marines; and Col. Fremont was moving upon the same object from San Diego. The army, under General Castro, made demonstrations upon the line of march of Commodore Stockton. They sent commissioners to treat with him; he refused. General Castro buried his guns, and his men dispersed. A number of the officers of the Mexican army were captured and made prisoners of war.

Amongst them were José Manuel Flores and Don Andrés Pico, brother of the governor. These officers were released upon their parole of honor not to bear arms against the United States pending the war, unless exchanged." (18)

On the 13th of August Commodore Stockton was joined by Colonel Fremont, and took possession of the City of the Angels.

This, then, was the second act of conquest. It consisted of the reduction of all the seaport cities of California. The dispersion of the

army of General Castro, and the capture of the seat of government, were acts effected by Commodores Sloat and Stockton. Col. Fremont was not present at any one of them, and entered the City of the Angels after the army organized for its defence had been dispersed by Commodore Stockton.

It is very plain that up to this period there can be no pretence that Colonel Fremont had participated in or contributed to, either the first or second acts of conquest. Thus far he had been fed, furnished, transported, and protected by the navy.

#### CONQUEST ENDED BY COMMODORE STOCKTON AND GEN. KEARNEY.

The next claim which is brought forward by the Black Republicans to prove the warlike character of their candidate is, that *Colonel Fremont terminated the conquest of California by the convention of Couenga.*

No sooner had Commodore Stockton received the surrender of the City of the Angels, than he placed Lieutenant Gillespie, with a part of the California battalion, in garrison at that city, and returned on the 5th of September to San Pedro. Colonel Fremont was despatched to recruit upon the Sacramento. On the 30th of September, being at Monterey, Commodore Stockton received information that an insurrection had broken out, and that Lieutenant Gillespie was besieged in the government house. Gillespie capitulated, and marched down to San Pedro, from which place, in conjunction with Captain Mervine, he made an ineffectual attempt to recapture the seat of government.

The conquest of California was therefore incomplete and imperfect. It involved a tedious and difficult campaign which lasted through four months, presented some eventful scenes, and introduced some new and important actors.

During this campaign we propose to take up the movements of Col. Fremont's battalions, and show that "the fate of California would have been the same, whether the battalion of Colonel Fremont had ever been in the field or not." We shall show that neither the battalion nor Col. Fremont participated in any active measures. That the famous capitulation of Couenga embarrassed the conquest, and would, if respected by Commodore Shubrick and General Kearney, have prevented the conquest from being final and conclusive of American authority over California. We will first give the movements of this

#### BATTALION IN SEARCH OF A BATTLE.

The reader has been made perfectly familiar with the earlier movements of the California volunteers under the command of Colonel Fremont. We have narrated its first expedition under the American flag, terminating in the capitulation of the City of the Angels to Commodore Stockton, on the 13th August. Up to this date it had achieved nothing. Early in September, the battalion (120 strong) left the City of the Angels for upper California. It was here, whilst Col. Fremont was recruiting his command, that he performed a miracle as an Indian tamor-

"It was said that 1,000 Wallah-Wallahs were advancing to attack Forter's fort." (19)

Colonel Fremont "took three men with him, and went directly to meet the Wallah-Wallahs." "They were perfectly subdued by his talk and manner of treating them, at once gave up their plan of attacking the whites, and agreed to go off on a winter's hunt." "In this way he not only stopped an Indian war," &c. It is true that a few months before, Colonel Fremont had been "stopped by impassable mountains and hostile Indians, whom he could not face." It is moreover true that Stockton believed "the reports in regard to the Wallah-Wallah Indians had been greatly exaggerated; they were not so numerous as had been represented, nor had they any hostile intentions." "I have a message from the chief, (of the Wallah-Wallahs,) stating that he was friendly and would come and see me." (20.)

Still the biographers make Colonel Fremont stop this Indian war, though even in this conquest the unlucky battalion was not alone. But there was work of more importance for that body than mesmerizing the Wallah-Wallahs. So being about one hundred and sixty strong, it embarked once more at San Francisco for Santa Barbara, there to get horses to reconquer the perverse City of the Angels, which had thrown off the yoke and required resubjugation. Commodore Stockton had landed again at San Pedro, but "having been compelled to relinquish all expectation of the co-operation of Major Fremont," determined to go down to San Diego. Now the fated battalion had sailed from San Francisco for Santa Barbara, but having heard from a merchantman that it would be impossible to get horses at that place, it changed its destination, and, to use the expression of its commander, "hailed up" to Monterey, from which place it would march to the City of the Angels, distant four hundred miles, whilst Commodore Stockton should march upon the same place from San Diego. This was their position about the first of December, when the battalion set out on its march. Except the capture and pardon of Don Andres Pico, one of the gentlemen who had broken his parole of honor given at the City of the Angels in August, and the loss of one hundred horses in one night, there was nothing in the progress of the battalion worthy at this time to be related.

But Commodore Stockton was still at San Diego, unable to move, for want of horses and cattle. This was about the first of December.

We turn to other events material to the result.

In June, 1846, the government of the United States had organized "the army of the west," under the command of General Kearney. That officer proceeded to New Mexico, of which he took possession in the name of the United States. He detached much the largest part of his army upon an expedition to Chihuahua, and proceeded under the orders of the government to take command of the United States forces in California. He met upon his march an express sent by Commodore

(19) Upham, quoted by Bigelow, page 172.

(20.) Sen. Doc. 31, 2d sess. 30th Cong., page 13.

Mr. Aldrichman Wilson gives a different reason for his return. He says: "On our way down we met and spoke the American ship Vandalia. I was sent on board by Colonel Fremont to learn the news. Mr. Howard, the supercargo, returned with me, and from him Colonel Fremont received the information that the force, under Captain Merriam had been defeated; that it was entirely owing to his not having artillery on the march against the enemy, and that the southern part of the country was in possession of the enemy. Hearing this, Colonel Fremont determined to return to Monterey, and send to the Sacramento for his cannon, horses, and reinforcements of men."—(See Reps. Ex. Doc. 77, 1st session 33d Cong. p. 41). [Our italics.]

Stockton, informing the government of the United States of his having conquered the country. General Kearney was so far misled by this news, that he detached the stronger portion of his remaining force and set out for the Pacific slopes, described by the despatches, with an escort of about one hundred dragoons. To his astonishment he found the whole of California, from the eastern boundary to the seashore, in a state of active insurrection, not respecting their paroles, and rebelliously refusing to stay conquered or to be mesmerized into "a winter hunt" like the Wallah-Wallahs. General Kearney commenced his advance to San Diego. On the 6th and 7th of December he fought the battles of San Pasqual, where he lost eighteen officers and men killed and had thirteen wounded. This exceeded the whole mortality of the conquest thus far. The veteran Kearney found this Paradise lost. It was in such a state of insubordination that but for two detachments sent to his aid by Commodore Stockton, he would have been compelled to cut his way to San Diego, or been massacred by the enemy which surrounded him.

After General Kearney's arrival at San Diego, a joint expedition was fitted out by Commodore Stockton and himself, against the City of the Angels. It numbered nearly five hundred men, and left San Diego on the 29th December. On the 4th January, 1847, Commodore Stockton and General Kearney received proposals for a treaty of peace.

"A flag of truce, borne by three commissioners," says Lieutenant Colonel Emory, "brought a letter from [J. M.] Flores, who signed himself governor and captain-general of the department of California, proposing to suspend hostilities in California, and leave the battles to be fought elsewhere between the United States and Mexico, upon which was to depend the fate of California. . . . The commissioners returned with a peremptory refusal of the proposition of the Governor and Captain General Flores." (21)

In reply to this, Commodore Stockton has said:

"I informed the commissioners that I could not recognise José M. Flores, who had broken his parole, as an honorable man, or as one having any rightful authority, or worthy to be treated with: that he was a rebel in arms, and if I caught him I would have him shot."

On the 8th and 9th of January, Commodore Stockton and General Kearney fought the battles of San Gabriel, and dispersed the whole force of the enemy. Of these battles, Lieutenant Colonel Emory says, in his journal of the 15th, 19th, and 20th January, 1847:

"The battles of the 6th December, and the 8th and 9th January, 1847, had forever broken the Mexican authority in California, and they were daily coming in great parties to sue for peace, and every move indicated a warm desire to yield without a struggle to the United States authorities." (22)

On the 15th January, 1847, Stockton and Kearney entered and conquered without resistance the seat of government of California.

"A few days after we had taken the City of the Angels," says Commodore Stockton, "Lieutenant Colonel Fremont arrived with his part of the battalion." (23)

It was on the 11th January, 1847, Colonel Fremont, on his march to

(21) Notes of a military reconnaissance, made by Lieut. Col. W. H. Emory, in 1845-7, with the advanced guard of the army of the West.—S. Ex. Doc., No. 7, 34th Cong. 1st sess., page 137.

(22) Notes of a military reconnaissance made by Lieut. Col. W. H. Emory, in 1845-47 with the advanced guard of the army of the West, page 132.

(23) Senate Ex. Doc. No. 1, 3d session 34th Congress, page 1032.

City of the Angels, met with a small remnant of the enemy under insurgent chieftains, Flores and Pico. They had, as we have seen, been defeated and refused parley by Commodore Stockton. They were outlawed and under sentence of death. They sought to make terms with Colonel Fremont. Their numbers are said by General Kearney, upon the information of others, to have been about sixty. Here is the grandiloquent description of their surrender dignified as the CAPITULATION OF COUENGA:

"We entered the plains of Couenga," says Colonel Fremont, "occupied by the enemy in considerable force, and I sent a summons to them to lay down their arms or fight at once. The chief desired a parley with me in person. I went alone to see them, [Don Jesus Pico being only with me.] They were willing to capitulate to me; the terms were agreed on. Commissioners were sent out on both sides to put it into form. It received the sanction of the governor and commander-in-chief, Commodore Stockton, and was reported to the government of the United States. It was the capitulation of COUENGA. It put an end to the war and the feelings of war. It tranquilized the country, and gave safety to every American from the day of its conclusion." (24)

This is a braggart and unfounded pretension to honors due to another. Listen to the contemporaneous report we have heretofore quoted from the report of Commodore Stockton, respecting the surrender and parole of this J. M. Flores, Don Andres Pico and others. It appears that about the first of October, Jose Maria Flores and three hundred others repudiated their parole and published a proclamation, in which they renewed the war. In this proclamation they say:

"All North Americans being enemies of Mexico, we swear not to lay down our arms till they are expelled from Mexican territory." (25)

Now it was these officers who had thus violated their parole, who had waylaid General Kearney and his escort, and compelled them to fight the bloody battle of San Pasqual. It was the same force that had disputed the passage of the San Gabriel with Stockton and Kearney on the 8th and 9th of January.

They had given their parole in the presence of Colonel Fremont, and their appearance under arms was a proof that they had broken it. He had been informed that Commodore Stockton and General Kearney had "met and defeated the whole force of the Californians on the 8th and 9th."

It will be remembered that Commodore Stockton, on refusing to treat with these parole breakers, had sent word to General Flores that he caught him "he should be shot."

Under these circumstances, it is very natural that these malefactors should have sought to obtain mercy in another quarter, and especially from him who had just pardoned and taken to his bosom another violator of his pledge of honor.

Their motives are thus explained by Commodore Stockton:

"It seemed that not having been able to negotiate with me, (Stockton,) and having lost the battles of the 8th and 9th, they (Flores & Co.) met Colonel Fremont on his way here, (the City of the Angels,) who, not knowing what had occurred, entered into the capitulation

(24) Senate Ex. Doc. No. 33, 1st session 30th Congress, page 373.

(25) Sen. Ex. Doc. No. 31, 2d sess. 30th Cong., p. 15.

with them which I now send to you; and although I refused to do it myself, still I have sent it best to your care" (26)

"Immediately after the battles of the 8th and 9th January, they [the insurgents] began to disperse, and I am sorry to say that their leader, José M. Flores, made his escape; and that the others have been pardoned by a capitulation agreed on by Colonel Fremont." (27)

We can well appreciate the vexation of Commodore Stockton at seeing offenders who had occasioned him so much trouble, escape the just responsibilities of their conduct by an improvident pardon, and it only requires the perusal of the articles of capitulation to account for the extraordinary anxiety of Messrs. Flores and Pico to find some American officer to whom they could surrender. They had been fighting with a halber around their necks, and naturally desired to get rid of it.

The most important article of the capitulation, to the Mexican officers, was as follows:

"ART. 2. The commissioners on the part of Lieut. Colonel Fremont agree and bind themselves on the fulfillment of the 1st article (the engagement to surrender) by the Californians, that they shall be guaranteed protection of life and property *whether on parole or otherwise.*" Id. 22.

These last words made the convention of Couenga, and saved the necks of Messrs. Flores, Pico & Co. Commodore Stockton reluctantly respected it, and spared the traitors.

But it is very unfair to claim that this pardon of the parole breakers was a conquest, and that Col. Fremont was thereby entitled to the merit of having concluded the war and established a peace. The battles fought by Stockton and Kearney compelled the capitulation. It was a private speculation of Messrs. Flores and Pico, who, having been refused all grace by Stockton, went in search of Fremont and surrendered. As for the convention, it meant nothing and effected nothing, except to save the lives of those unworthy men. Every one knew that the Mexicans would abide by the convention, if in their favor; and every one knew that if the fortune of war should change, the men who had violated the parole of Los Angeles would not respect that of Couenga. If we were given to special pleading, we would even say that the convention destroyed Colonel Fremont's claim to conquest, since it made terms of agreement with armed men and did not dictate the conditions of peace. It was but an agreement between certain partisan forces on the one side, and a subordinate officer of the invading army on the other. It derived its obligation not from the act of Colonel Fremont, but from the approbation of his superiors. It was but an amnesty and an armistice, subject to abrogation by the refusal of either party to ratify it. It was repudiated, except as to the amnesty to the parole breakers, by the proclamation of Commodore Shubrick and General Kearney. It was a triumph of Mexican diplomacy.

The Mexicans had been routed at all points. They had offered to

(26) Stockton's letter to Secretary of the Navy, 13th January, 1847. Sen. Ex. Doc. 31, p. 21, 2d session 30th Congress.

(27) Id. page 20.

...ulate, and had been refused. The Americans were in force sufficient to have held the country by unconditional conquest.

The Mexican general, and many of his officers, were beyond the pale of protection according to the usages of civilization warfare. Colonel Fremont raised these perfidious men from the ground and treated them as his equals.

We say nothing of the egotism and injustice of this claim that the convention of Cuernavaca settled the war. Commodore Stockton had been in command from the commencement of the armed occupation of California. He had conducted all the operations by sea and by land. The veteran Kearney had been deputed by his government to take possession of the country. He had fought the bloodiest battle in California, and taught the enemy that the American soldier is invincible under any disadvantage.

The enemy had been treated with mercy. He had shown himself unworthy of indulgence. He had been chastised and driven into an unconditional surrender, and just when he was compelled to stack his arms and cast his banners in unconditional submission to his legitimate conquerors, Colonel Fremont interposes, and, without warrant, and almost in sight of his superior officer, binds himself in a covenant with an enemy who has proven faithless to his word, and then claims the exclusive fruits of the whole campaign.

The battalion then went into winter quarters at the City of the Angels, where they ate beef until March 16th, when they refused, to a man, to enter the service of the United States, and were soon after "unanimously" discharged.

#### COLONEL FREMONT PRESENT AT NO BATTLE.

Yet it was upon this immortal campaign of nearly eight months, in which the battalion seems to have slain nothing but cattle, when they never to have encountered an enemy whom they did not instantly prove, when they never arrived at any battle until a few days after it had been fought, that Colonel Fremont founds the claim to the honor of having conquered California! Whether it was merely bad luck which always prevented them from effecting a junction until after the battles were fought, or whether, like the unfortunate "six hundred" at Balaklava,

"Some one had blundered,"

we cannot say; but if this battalion of Colonel Fremont's beef-eaters ever fired a gun at anything except a cow, in the campaign, it has never been made known to history. It is no wonder that Colonel Fremont could have travelled over the same ground again without guards or escort, as he claims he could have done. He had paid such extravagant prices for beef, that the Mexicans had come to regard him rather in the light of a customer than a conqueror.

We are sensible of the difficulty of proving a series of negatives; but we have undertaken to do so, in the confidence that the historical evidences of the campaigns in Mexico furnish the materials to disprove every specific claim to military or civil services made by Colonel Fremont or his friends.

We are satisfied, from this review of his pretensions, it has been shown:

1st. That Colonel Fremont did not declare or establish the independence of California, that act having been achieved by the independent American settlers.

2d. That Colonel Fremont did not cause the conquest of California by furnishing Commodore Sloat with a reason for commencing offensive operations against that province, Commodore Stockton having commenced offensive operations on the west coast of Mexico in consequence of having heard of the commencement of hostilities between Mexico and the United States, and in obedience to the orders of the government of the United States, of June 24, 1845.

3d. That Col. Fremont did not, by the mere terrors of his presence at Monterey, contribute to make the largest British fleet ever seen in the Pacific abandon its intentions to protect California; that fleet having arrived and established a "friendly intercourse" with the American squadron three days before the arrival of Capt. Fremont at Monterey.

4th. That Col. Fremont did not participate in the merit of having captured any one of the seven seaport cities of California or the seat of government, those acts of conquest having been performed exclusively by the American fleet and forces under command of Commodore Sloat and Stockton.

5th. That Col. Fremont did not participate in the defeat and dispersion of the insurgent army, and the final capture of the seat of government of California by Commodore Stockton and General Kearney—having arrived at that city "a few days after" its capture.

6th. That Col. Fremont effected nothing for the American arms by accepting, at Couenga, the surrender of certain Mexican officers who had violated their parole, because the convention then made by him was without authority, and was annulled by the proclamation of Commodore Shubrick and General Kearney, which "absolved the Californians from their allegiance to the republic of Mexico," recognised them "as citizens of the United States," and constituted the final and formal act of the conquest of California.

SPEECH

OF

HON. J. R. THOMSON,

OF NEW JERSEY,

ON THE

CONQUEST OF CALIFORNIA;

DELIVERED IN THE

UNITED STATES SENATE, AUGUST 9, 1856.

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WASHINGTON:

PRINTED AT THE UNION OFFICE.

1856.

## SPEECH.

The following resolution being under consideration—

*Resolved*, That the President of the United States be requested to furnish the Senate with copies of the despatches from Commodore Stockton in 1846, forwarded by Mr. Christopher Carson, giving an account of his operations in California; also, if in possession of the government, any despatch or history from Messrs. W. B. Ide, John Grigsby, and Samuel Nash, relative to the declaration of independence, or the hoisting of the Bear flag in California, previously to the arrival of Commodore Sloat on that station—

Mr. THOMSON addressed the Senate as follows:

MR. PRESIDENT: I had the honor to submit, a few days ago, to the Senate, a resolution asking for copies of the despatches which Commodore Stockton forwarded from California to the government in 1846, by Mr. Christopher Carson; and for a copy of a report or history of the origin and completion of the revolution in California, signed by Wm. B. Ide, John Grigsby, and John H. Nash.

These documents, I think, would throw light upon a subject which, from various causes, has been much misunderstood by the people generally, and I hope it may be in the power of the proper departments to furnish the information which has been asked for.

These documents relate, sir, to the early history of the revolutionary and military movements of the American settlers, and to the operations of the United States naval forces under Commodores Sloat and Stockton in California.

Mr. Fremont has frequently been termed the conqueror of California. Resolutions, adopted by political meetings, have repeated the assertion, until many intelligent persons sincerely entertain the opinion that such is the fact. The title to the 164th chapter of Mr. Benton's "Thirty Years' View" is, Fremont's Third Expedition and Acquisition of California. In the Biography of Mr. Fremont, recently published, the same claim is also preferred. And it has been adopted as true by the compiler of a book of historical incidents of American history, published in Boston by John Philbrick, 1856. But, Mr. President, as a citizen of New Jersey, I feel called upon to dispute this claim in favor of Mr. Fremont, and to assert it for one of the most distinguished sons of that State, my constituent and friend, and predecessor in this honorable body, Commodore Stockton.

In the examination which I now propose to make in reference to this claim in behalf of Fremont, it will be perceived, I think, that many persons (even of the highest official rank, and with the best means of obtaining correct information) have been led into error on this subject. The artful manner in which the acts of Mr. Fremont have been exhibited, and the prominence given to him, to the exclu-

sion of all others, in the narratives of events in California, published in advance of official documents, induced their belief that he was the chief actor in all the movements and battles which preceded the acquisition of that country.

The same impression was, no doubt, made upon the mind of many who read the message of the President of the United States in 1846, and the report of the Secretary of War of the same year.

The language of the President alluded to, indeed, was probably furnished by Mr. Benton. The President says: "Our squadron in the Pacific, with the co-operation of a gallant officer in that distant country, have acquired bloodless possession of California."

The reason why I impute to Mr. Benton the authorship of this paragraph in the President's message is, first, because, in his "Thirty Years' History," he makes the claim for Fremont of the acquisition of California; and because, in the 165th chapter of that work, he says that the President's message was submitted to him before being sent to Congress, and was by him modified and altered.

The President of the United States could have had no motive whatever to exalt Fremont at the expense of Stockton; but Mr. Benton's relations to Colonel Fremont were such as would naturally induce him to claim for the latter an undue share of merit. Accordingly, Stockton is ignored—"our squadron" substituted for him. His name is not mentioned, and the co-operation "of a gallant officer" made prominent.

Not content with inducing the insertion in the President's message of the paragraph referred to, there is intrinsic evidence that Mr. Benton furnished to the Secretary of War those portions of his report which are now cited by Fremont's admirers to prove him a conqueror. On page 176 and 177 of Niles' Register, vol. 71, will be found a letter of Mr. Benton's to the President of the United States, dated November 2, 1846, in which he states the movements of the American settlers who had declared the independence of California, and also Mr. Fremont's participation with them. *All his facts are obtained from Fremont himself, whose letter reciting them appears in the same volume of Niles's Register, page 191, and from letters addressed to Mrs. Fremont by her husband from California.* I have prepared extracts from these letters, with which I will not detain the Senate, but ask that they may be printed with these remarks.

Mr. Benton, in the letter referred to, to the President of the United States, dated November 2, 1846, as he found in Niles's Register, vol. 71, p. 173, states that—

After the most anxious deliberation upon all the dangers of his position, and upon all the responsibilities of his conduct, Captain Fremont determined to turn upon his pursuers and fight them instantly, without regard to numbers and weak safety for his party and the American settlers by overturning the Mexican government in California. It was on the 6th day of June that he came to this determination; and the resolution being once taken, all half-way measures were discarded, and a rapid execution of the plan was commenced. On the 10th of June a supply of two hundred horses for Castro's troops, on the way to his camp, beset by an officer and sixteen men, were surprised at daylight and the whole captured; the men and officers being released, and the horses retained for American use. On the 15th, at daybreak, the military post at Sonora (the point of rendezvous and intended headquarters) was surprised and taken, with the capture of three

cannon, two hundred and fifty (half of which, after some and information, with several superior officers, General Valljo (Valya-ho), his brother, Captain Valljo, Colonel Cruzodon, and others, all of whom were detained and confined as prisoners. Captain Fremont then repaired to the American settlements on the Rio de los Americanos to obtain assistance; and receiving an express from his little garrison of fourteen in Sonora that General Castro was preparing to cross the bay of San Francisco and attack them with a large force, he set out in the afternoon of the 23d of June with ninety mounted riflemen, and, travelling day and night, arrived at two o'clock in the morning of the 25th at Sonora, eighty miles distant. The vanguard of Castro's force had crossed the bay—a squadron of twenty dragoons, commanded by De la Torre, which was attacked and defeated by twenty Americans, with a loss of two killed and some wounded on the part of the Mexicans, and no injury to themselves, De la Torre barely escaping with the loss of his transport boats and spilling all pieces of artillery.

The north side of the bay of San Francisco was now cleared of the enemy; and on the 4th of July Captain Fremont called the Americans together at Sonoma, addressed them on the dangers of their situation, and recommended a declaration of independence; and that day Castro and his troops, as the only means of safety. The independence was immediately declared and war proclaimed. A few days afterwards an officer from Commodore Sloat brought intelligence that the American flag was hoisted at Monterey—as example which was immediately followed wherever the news flew. The pursuit and defeat of Castro were the only remaining enterprises. He had fled south towards the numerous Mexican settlements beyond Monterey, with his four or five hundred men; and Captain Fremont, leaving some fifty men in garrison, set out with one hundred and sixty mounted riflemen in the pursuit, when he received instructions from Commodore Sloat to march upon Monterey. He did so, and found Commodore Stockton in command, approving the pursuit of Castro, and adding by all means in his power. The sloop-of-war Cyane was put at his service," &c.

In these letters it will be found that Fremont recites various successful military actions. *He does not say that he participated in them,* but states them in such a way as to leave the inference irresistible that he did so. Mr. Benton and Mr. Marcy both take such for granted, and so, indeed, would any one on reading the artful connexion in which they are stated. Besides, there are no documents on file in the department from which the Secretary could have made up the statement in his report, except the letters of Colonel Benton and Mr. Fremont.

*The Secretary in his report states no more and no less than is contained in those letters, and sets forth the facts in the order precisely as stated in them.*

These facts relate to the time when Fremont joined the movement of the American settlers in favor of independence, to two actions in which the Californians were defeated, and the taking of Sonoma. The Secretary relates these events so as to produce the impression (no doubt made on his own mind), that Fremont was among the first to counteract the independent movement; that he took part in the defeat of the Mexicans and the capture of Sonoma.

But we have, however, positive proof showing that Fremont had nothing to do with these several events.

In Niles's Register, vol. 73, pp. 110 and 111, will be found a history of the movements of the American settlers in May, June, and July, 1846, prior to Commodore Sloat and Stockton's arrival in California. This history was compiled and published by the settlers themselves, and signed by the names of the leaders, W. B. Ide, John Grigaby, and John H. Nash. But the credit which belongs to these adventurous and enterprising Americans for their gallant deeds has been appropriated to Fremont, without any acknowledgment what-

over; nor are their names even to be found in any of the private letters or despatches to government which have yet been published.

I ask to print the extracts which I have made from this history with my remarks:

Information was received by Mr. W. B. Ide, living on the Sacramento, on the 8th of June, by letter, brought by an Indian runner, that 200 mounted Mexicans were on their march to the Sacramento river, with the design of destroying the crops, burning the houses, and driving off the cattle belonging to the foreigners. Mr. Ide immediately visited the settlers on the Sacramento; and, finding most of the men of the valley with Captain Fremont, repaired to his camp. He then conversed with Captain Fremont on the subject of the revolution, who advised immediate organization and resistance on the part of the foreigners, but declined any action on his part, or that of the men under his command. Captain Fremont then informed him that he then expected to leave for the States in two weeks. In the meantime, a party of Americans had gone in pursuit of some Mexicans who were collecting horses, had taken them prisoners, and secured 200 of their animals, which were to have been mounted by Mexican soldiers, and employed in expelling the foreigners, as well as Captain Fremont, from the country. It was quite apparent that further and more decisive action was necessary to secure the lives and property of the immigrants; and it was determined to seize the fort of Sonoma, where many of the government officers were quartered and munitions of war were stored. A party was raised, and upon the 14th of June arrived at and seized Sonoma by surprise, and without resistance, and, directly thereafter, Wm. B. Ide was elected commander of the party. Dr. Semple immediately called a meeting, with the view of taking some action for forming a provincial government. The prisoners were sent to the Sacramento, and placed under the protection of Captain Fremont, and the property of the Fort secured, and a garrison established for its further protection.

Measures were adopted in reference to foreign importations; Horace Saunders was appointed commissary. A national flag was agreed upon. Captain Ide was made captain-general. Measures were taken to secure public and private property. The general-in-chief on the 16th despatched Mr. Todd on a mission to Captain Montgomery, of the United States ship Portsmouth, for the purpose of obtaining a quantity of gunpowder. He declined furnishing it, on the ground that, so far as he knew, the United States were at peace with the Mexican government, &c., &c.

On the 21st, Captain Grigby returned from the Sacramento valley, and was elected captain of the 1st company of riflemen, and the fort placed under his command. Lieutenant L. H. Ford was despatched in pursuit of a company of Mexicans, and found them; they proved to be two hundred in number; gave them a fight, killed eight, and wounded thirteen, after which they fled. This victory gave a decided character to the revolution, and convinced the Spaniards that it was not prudent to attempt the capture of any more prisoners.

The 25th of June, Captain Fremont and the men under his command arrived at Sonoma, and were received with joy by the garrison, which was composed of about one hundred men, exclusive of Captain Fremont's command, and of some twenty who were absent on other duty. In the meantime, as report said, General Castro was busy in crossing men from the other side of the bay to San Solito. Captain Fremont invited Lieutenant Ford to accompany him, with the same men he had commanded in the engagement before spoken of, in an expedition against Jose Castro. Three or four days were spent in endeavoring to bring the Mexicans to an engagement, but without success. Castro had succeeded in landing about two hundred men on the north side of the bay, and finding the ground untenable, was desirous of diverting Captain Fremont from his object of pursuit, while his men might re-embark. He accordingly sent three men, with papers calculated to deceive Captain Fremont into the idea that Sonoma was, on a certain time, to be attacked by a large force, and ordered them to discover themselves to his command. The stratagem had the desired effect, although the spies lost their lives. Captain Fremont repaired to Sonoma with all possible despatch, where he arrived at the early dawn of day, and was pleased to find his friends still in the possession of the post, and at the guns with lighted matches in their hands.

At a meeting called to order by General Ide, Colonel Fremont said he would make a proposition to the men then before him that, although he could not and would not intermeddle in the internal affairs of California, yet, if the men present would pledge themselves to abstain from all acts of violence against peaceful families, and to obey

all orders of officers of their own choice in their endeavors to effect the declared purposes of the revolution, he would not only assist them by his advice, but that he would volunteer his whole force against Castro, and that he would stand by them, at least until Castro shall have been subdued."

From this history, related in a plain and simple manner, and bearing every evidence of truthfulness, it appears that whilst these important events were transpiring, Mr. Fremont was quietly reposing in his camp on the bank of the Sacramento, and that he did not unite with the American settlers, or render them any assistance, until after they had apparently succeeded in maintaining themselves.

Mr. Benton, and Mr. Marcy after him, represent that on the 6th of June Fremont formed the determination to commence offensive measures. Messrs. Ide, Grigsby, and Nash say that on the 8th of June, two days after this, Mr. Ide repaired to Fremont's camp on the Sacramento, and "conversed with him" on the subject of the revolution, and Capt. Fremont advised immediate organization and resistance on the part of the foreigners, but declined any action on his part, or that of his men. Capt. Fremont informed him that he then expected to leave for the States in two weeks. Colonel Benton, in his letter to the President, states, as a consequence of "this commencement of offensive measures on the part of Fremont," the capture of a party with 200 horses, and the surprise and capture of Sonoma, so as to produce the impression that Fremont directed and took part in these actions. Such, however, was not the fact. Both of these affairs took place through the agency of the settlers, without his presence or assistance. Again, on the 21st, Lieutenant Ford, at the head of a company of seventy American emigrants, met and defeated two hundred Mexicans. This exploit is also appropriated in the same way by Col. Benton and Mr. Marcy to Mr. Fremont. And it was not until after this, when victory gave a decided character to the revolution, that Fremont participated in the designs of the emigrants.

On the 25th of June, the history states, "Captain Fremont and the men under his command arrived at Sonoma, (Sonoma was taken by the settlers on the 14th,) and were received with joy by the garrison." The remark that they "were received with joy," if nothing else does, shows that Fremont had not acted previously with them, or else there would have been no occasion for such an expression. But Fremont now took the field against Castro, and invited Lieutenant Ford with his command to join him. The history states, "three or four days were spent in endeavoring to bring the Mexicans to an engagement, but without success. Castro was desirous of diverting Captain Fremont. He accordingly sent three men with papers calculated to deceive him into the idea that Sonoma was to be attacked. The stratagem had the desired effect. Fremont set off for Sonoma, and left Castro to retreat in safety. Of course, he found Sonoma unmolested. But Mr. Benton seizes the opportunity to enlorge the wonderful performance of Fremont, in making this false movement, and travelling eighty miles in less than twenty-four hours." Captain Fremont, continues the history, and his men, returned in pursuit of Castro, and arrived at the bay just in time to see that the last of Castro's men

had re-embarked with all their baggage." This trip to Sonoma is one of Mr. Fremont's "travels." The history of California states that the flag of independence was raised in the midst of June by the American emigrants without the aid, presence, or co-operation of Fremont. Yet Fremont, in his letter to Col. Benton, July 25, 1846, claims to have presided over the declaration of independence on the 4th of July. The "history" states that the national or state flag, with the words "California republic" on it, was raised in the middle of June, and before Fremont joined them; and that a provisional government had been organized, and William B. Ide elected captain-general.

Fremont says he assembled the people on the 4th of July, and addressed them, and advised a declaration of independence. The history states that the 4th of July was celebrated at Sonoma by reading the Declaration of Independence of the Thirteen States, firing cannon, &c. But on the 6th the companies (of volunteer settlers) were formed and marched into the large hall. The men were called to order by Gen. Ide. There were one hundred and eighty men present, exclusive of Capt. R.'s command, of about forty men. Captain Fremont addressed the assembly, and promised to aid them with his advice, and to co-operate with them if they would pledge themselves to obey "the officers of their own choice." Gen. Ide replied, and said "there was not a man present who had not already volunteered his life, his property, and his reputation in an honorable support of the revolution," showing clearly that the revolution had already begun, and that it had not been then first commenced by Mr. Fremont, as is claimed for him by himself and his biographers.

This history does not show that the "chief direction of affairs" was given to Mr. Fremont, as is claimed for him; but, on the contrary, Gen. Ide was chief of the movement, and captain-general; and by him, "under a discharge of cannon, with appropriate ceremonies," was the flag of the republic of California first raised, and by him, also, was the proclamation of independence signed and issued. The overtures for assistance by the American settlers having been repulsed by Fremont early in June, when they were commencing hostilities, they never thought of investing him with the leadership after their measures had been crowned with success; and, without evidence to the contrary, such a proceeding would have been extremely improbable. But, in the face of these express statements, that Gen. Ide, and not Fremont, was their leader, Mr. Fremont's claim made in his letter to Col. Benton the 25th of July, 1846, must be considered entirely without foundation.

In his "Thirty Years' View," Mr. Benton states that "Fremont determined to put himself at the head of the people and to save the country. To repulse Castro was not sufficient—to overturn the Mexican government in California, and to establish Californian independence, was the bold resolve, and the only measure adequate to the exigency."

Messrs. Ide, Frigaty, and Nash, on the other hand, say that Fremont, in the address to the settlers, before referred to, on the 6th of July, declared that he had determined to pursue and take Irsu Castro,

as he considered, but a usurper in California, being unauthorized by the Mexican government. He said "that although the *causa* was not intermeddled in the internal affairs of California, he was, on certain conditions, not only assisted them with his advice, but he would volunteer his whole force against Castro, and that he would stand by them, at least until Castro had been subdued." The difference in this plain statement of the leaders of the revolutionary party from that of Mr. Benton lies in it; you find nothing of Mr. Fremont placing himself at the head of the people to save the country, or of overturning the Mexican government in California, as the failure of Castro was not sufficient—and to establish independence. The 'bold resolve' of Mr. Fremont seemed to be unknown to those with whom he was about to co-operate. His engagement with them was for a limited and specific service, and for a single object, and that, the pursuit and capture of Castro, in which he was signally successful. So far from engaging to overthrow the Mexican government in California and to establish independence, he expressly stated that he cannot, and will not, intermeddle with the internal affairs of California; and yet the claim is boldly made for him by his father-in-law, of having overthrown the Mexican government and established independence, for he adds, "after the 'bold resolve' was taken, it was executed with a celerity that gave it a romantic success."

There is more dependence to be placed in the statements of Mr. Benton with reference to the operations of our navy, than in those of the settlers which I have just examined.

On the 10th of July intelligence was received by Mr. Fremont, then at Ft. John's, that Commodore Sloat had arrived and taken possession of Monterey, and planted the United States flag there. And thither he marched, and arrived on the 19th of July, six days after its capture. It would, thus, appear, then, that in the movements previously to the operations of Commodores Sloat and Stockton in California, Mr. Fremont's part was extremely insignificant. He was in no sense whatever. He does not, indeed, state that he was. He remarks that operations which were performed by others, and left his father-in-law to claim for him the credit which belonged to others for their performance. He declined to join the settlers early in June, when his co-operation would have been of service to them. But after they had gained important advantages over the Californians, and were in possession of the strong fort of Sonoma, and when he was in daily expectation of receiving intelligence of war between the United States and Mexico, he volunteered his assistance.

Mr. Benton, as well as Mr. Fremont's biographer, however, claim that Fremont's "exploits" induced Commodore Sloat to seize Monterey, and raise the American flag; and, therefore, they say that the acquisition of California was owing to Fremont; for, if Sloat had not raised the United States flag on the 7th of July, 1846, the British admiral, who arrived soon after, would have seized California for Great Britain.

Mr. Benton, in his "View," chapter 164, states that "Commodore Sloat remained five days before the town, and until he heard of Fremont's operations; then, believing that Fremont had orders from his

government to take California—he was none himself—he determined to act himself. He received the notice of Fremont's capture on the 6th of July; on the 7th he sailed for the town of Monterey, and on the 8th he arrived. The letter came to him in all speed, at the head of his mounted forces. Going immediately on board the Commodore's vessel, an explanation took place. The Commodore learnt with astonishment, that Fremont had no orders from his government to commence hostilities—that he had acted entirely on his own responsibility. This left the Commodore without authority for having taken Monterey; for still, at this time, the commencement of the war with Mexico was unknown.

But this statement of Mr. Benton is most pointedly and positively contradicted by Commodore Bloat, in his official letter to the Secretary of the Navy, dated "Flag-ship *Levant*, at sea, July 31, 1846." In it he says: "I have the honor to report, that on the seventh of July I received, at Mazatlan, information that the Mexican troops, fifteen thousand strong, had, by order of the Mexican government, invaded the territory of the United States north of the Rio Grande, and had attacked the forces under General Taylor; and that the squadron of the United States were blockading the coast of Mexico in the Gulf. These hostilities, I considered, would justify my commencing offensive operations on the west coast. I therefore sailed on the 8th, in the *Savannah*, for the coast of California, to carry out the orders of the department of the 24th of June, 1845."

The Commodore then states that he took possession of Monterey on the 7th day of July, in the name of the United States.

It does not appear from the Commodore's letter, that he had sent any orders or despatches to Fremont, as stated by Mr. Benton, or that he had ever heard anything about him. The only notice he takes of him in his letter is, that Purser Fauntleroy, who had been sent by him to take St. John, a small town in the interior, stumbled upon him there, "found that it had been taken possession of an hour or two previous to his arrival by him," "with whom he returned to Monterey on the 19th," twelve days after its capture. This is all the notice taken of Fremont in this official letter.

As far, then, from its being true that the Commodore was induced by Fremont's operations to take possession of Monterey, he had resolved on the 7th day of June, at Mazatlan, to sail for California, and commence offensive operations on the west coast. Fremont certainly had performed no exploits, up to this time, which could influence the Commodore's action; for, on the 8th day of June, he refused to co-operate with General Ide and others in revolutionizing California, and did not take any part with them until the 25th of June, after the surprise of Sonoma, the brilliant performance of Lieut. Ford, and the capture of a party with two hundred horses, had all been achieved.

And then there is no evidence whatever that the British admiral ever intended, or had any instructions which would have authorized him to seize California. It is mere imagination.

Mr. Benton, I need repeat, says it was hearing of Fremont's operations and successes, and believing that he had orders from his government to take California, that induced Commodore Bloat to take pos-

tion of Monterey; for still at this time (11th of July) the communication of the war with Mexico was a secret. But Commodore Shonts, if he had received information of the capture of Monterey by the United States and Mexico, and, ~~that~~ <sup>that</sup> he considered it justify his commencing offensive operations on the west coast, therefore sailed in the Savannah for the coast of California to execute the orders of the department! Now, Mr. President, what were these orders? They were, sir, that, "in the event of war with Mexico, he was directed to employ the force under his command to the best advantage." The Mexican ports on the Pacific are said to have been the Secretary of the Navy) open and defenceless. If you are certain with certainty that Mexico has declared war against the United States, you will at once possess yourself of the port of San Francisco, and blockade or occupy such other ports as your force may permit. Well, sir, were the instructions which he sailed from Marathon on the 5th of June to execute, and yet Mr. Benton, in his "View," states that the operations of Fremont (Heaven save the mark!) which led to the commence hostilities in California, and save the territory from the grasp of Great Britain.

Mr. Benton, in this statement, does great injustice to this gallant officer in charging that he had commenced hostilities against a nation on no other ground than that, hearing of the operation and success of Fremont, he supposed him to be in possession of orders from his government to take California. I admit, sir, it would be difficult, if not impossible, for one in his position, or in any position, to believe that an officer of the army of the United States would wage war with the forces under his command against an independent nation without orders from his government. And the Commodore might well be pardoned for supposing such to be the case. But I have already shown from his official letters that it was not true that he did so. But it, no doubt, confirmed in his mind the truth of the information he had received at Mazatlan of the commencement of hostilities. But, sir, the statement of Mr. Benton in reference to this matter places Mr. Fremont in a most unfortunate position. It exhibits him, sir, in the character of a filibuster—of a person, without authority, making war upon a friendly power, and employing the forces placed under his command (for a different purpose) to overthrow its government, and establish a republic on its ruins. It was indeed, sir, the assumption of a fearful responsibility, and one which might have involved his country in war, or have lost his own life, with the lives of all his followers, (as was the case with Lopez in his expedition,) if he had been unsuccessful in his operations. But, sir, I do not propose to discuss this question, but in passing merely to remark upon it. I think that I have now fully shown that Mr. Fremont's claims to the conquest previously to the 19th of July rest entirely upon the assertions of his father-in-law, and as they appear in Secretary Marcy's report of December, 1846. In thus stating the intervention of Mr. Benton in claiming for Fremont credit for exploits to which he was not entitled, I expressly disclaim any desire to impute to him anything further than a pardonable fault in yielding credence, on grounds entirely insufficient, to state-

and that fact could be calculated to do honor to one connected with him by this family tie. The truth of history, however, requires vindication, and my duty is to expose the error into which he has been betrayed, and in which, through his agency, others have participated, and no other course was open to me.

And now, Mr. President, I propose briefly to determine the date of Fremont to the merit of a conqueror, subsequently to July 18, 1846. That he had no claim before has already been shown.

On the 23d July, 1846, Commodore Stockton took command of the expedition, Commodore Gloat having sailed for the United States. Monterey, Sonoma, at the head of the bay of San Francisco, and Yerba Buena, now called San Francisco, were the chief points in the possession of the United States forces. But all southern California was in arms, and unsubdued. Mr. Fremont was then at Monterey.

Commodore Stockton issued his proclamation on the same day, and announced his intention to conquer the country. Colonel Fremont, in his defense on his trial by court-martial in 1846, thus states his own position at this time, and gives the title of conqueror to another. (See proceedings of court-martial, pp. 374 and 375.)

He (Commodore Stockton) determined to prosecute hostilities to the full conquest of the country, and asked for cooperation, but service under him. He made this proposal in writing to Lieut. Gillespie and myself. We agreed to it, and so did our men.

I went under him with pleasure. I was glad to be relieved from the responsibilities of my position. We went under the command of the naval commander on that station, and he was to the naval commander there that the President had specially assigned the conquest of California. The California Battalion of mounted riflemen was then organized, Commodore Stockton appointing all the officers, myself being appointed Major, and Lieutenant Gillespie Captain. From that time we were part of the naval forces for the conquest of the country.

Again, Colonel Fremont says: "I was glad to be relieved from the responsibilities of my position. We went under the command of the naval commander on that station, and he was to the naval commander there that the President had specially assigned the conquest of California."

On the 13th of August, 1846, Commodore Stockton, as conqueror, took possession of the City of the Angels, the seat of the government of California. On the 17th he issued a proclamation, or decree, as such, for the notification and government of the inhabitants, followed by many others of the same character, and for the better government of the conquered country.

This is the language of Colonel Fremont when his safety depended on making the truth manifest. Under the peril of life he concedes to Commodore Stockton the title of conqueror of California.

The peril over, his father-in-law claims for him the merit of being the conqueror, and his biographers assert it also. I might be well content to rest the case upon the above explicit admission of Col. Fremont himself; but as it belongs to a full statement of the truth, I shall briefly relate what part he did take in the conquest of California subsequently to Commodore Stockton's assuming the supreme command. Mr. Fremont, having received an appointment as major of a battalion of volunteers from Commodore Stockton, was ordered, on the 23d day of July, with 160 men, to embark on the sloop-of-war Cyane, Commander Dupont, with directions to proceed to San Diego, and thence to advance on the City of the Angels, to co-operate with him (the Commodore) in the proposed attack on the Californians. Mr. Benton, in his letter to the President of the 9th November, 1846, says "the sloop-of-war Cyane was put at his service."—no doubt

the impression on the mind of the President that Fremont  
 was acting independently. But Fremont himself, in his letter to Mai-  
 son of 25th July, 1846, says expressly to "We are under orders to  
 march tomorrow morning on board the Cyane sloops of war, and dis-  
 embark at San Diego immediately in the rear of Castro." He then  
 proceeded to San Pedro, twenty-eight miles from the City  
 of Los Angeles. There he waited a week for Fremont to co-operate  
 with him. Finally, he marched against Castro without him, broke  
 up his camp, abandoned his artillery and baggage, and fled  
 in the direction of Sonora. After the dispersion and flight of his  
 army, Fremont arrived, on the day that Stockton took possession of  
 the capital. Thus ended the first campaign of Stockton and Fremont's  
 military service was comprised in his voyage to San Diego and his march  
 to Los Angeles. The second campaign of Commodore Stockton was  
 all more glorious for Mr. Fremont. An insurrection broke out on  
 the 1st of October, and the garrison left by the Commodore at the  
 capital had been compelled to capitulate. Stockton ordered Fremont  
 to Santa Barbara, to collect horses and cattle for his expedi-  
 tion. San Diego was surrounded by the enemy, and Lieutenant  
 Fier, in command there, was besieged by them. On his way in that  
 direction Fremont spoke a vessel, and became acquainted with these  
 facts, and, instead of obeying his orders, he turned back, giving as his  
 reason that supplies of horses and cattle could not be obtained there;  
 and returned 600 miles north of San Diego, placing the enemy be-  
 tween himself and his commander-in-chief, and cutting off all com-  
 munication with him. This act of Fremont delayed the Commodore's  
 advance for months. Stockton, however, finally procured horses and  
 cattle where Fremont said they could not be obtained. Fremont  
 abandoned the seat of war. He left that part of the country where  
 hostilities prevailed, and never returned until after the enemy was de-  
 feated and dispersed. Commodore Stockton, after waiting two months  
 for the necessary supplies of horses and cattle, which were at last ob-  
 tained from Lower California, on the 29th of December, advanced  
 with upon Los Angeles against the foe, fought the battles of San  
 Gabriel and Mesa, defeated and dispersed the army of California, and  
 conquered the country a second time. He heard nothing of Fremont  
 until four days after his (Stockton's) entry into the capital. Then  
 Fremont made his appearance, and having on his journey fallen in  
 with the beaten and flying California generals and a few stragglers,  
 remnants of the defeated forces, he made a treaty of capitulation with  
 them. Stockton had refused to treat with Generals Flores and Pico,  
 because they had once already broken their parole of honor. Fre-  
 mont, however, having not participated in the war, makes a great  
 deal of this capitulation with these defeated leaders with whom  
 Stockton would not treat, and whom he considered as of no import-  
 ance. All these facts will be seen from the official despatches of Com-  
 modore Stockton. They show that Fremont, in the first campaign,  
 did nothing, while under Stockton, fled to San Diego, and fled up  
 from that place in August to meet Stockton after he had compelled  
 Castro to break up his camp and disperse his army. In the second  
 campaign, Fremont failed to execute his orders, and retired five hun-

and after the discovery, and never returned until after the 25th day of June, and after having nothing from his own party, or that of others, nor is there any evidence of any sort that Fremont ever had a single encounter with an enemy while in California. He has been called the path-finder. But it was unfortunate for him that the paths he trod did not lead him into the presence of an enemy. In consequence of which Mr. President, in the foregoing remarks, and the exposure I have made of the weakness and absurdity of the claim set up for Mr. Fremont to the conquest of California, I have been actuated by far higher motives than such as I know will be imputed to me. I regard it as my duty to owe to the truth of history, as well as to a distinguished friend and constituent, to see that the laurels which he has nobly won shall not be torn from his brow to decorate another's. For Commodore Stockton I claim the credit of the conquest of California. So far from Mr. Fremont being entitled to it, it does not appear that he was ever engaged in a single battle; and the extent of the responsibility he assumed in California seems to have been, 1st, to fortify a position of self-defence against an threatened attack of the Californians; and, 2d, to unite with the forces of General Ide, on the 25th of June, at Sonoma, and to undertake an expedition against General Castro, in which he was outwitted by the wily Mexicans. Immediately after this, he marched to Monterey and accepted an appointment as major from Commodore Stockton, under whose orders he served, as has been shown, until the conclusion of the war. And now, sir, I have attempted to describe fairly and truly the achievements of Mr. Fremont in California; and I ask if any claim can be found in them to the title of its conqueror? And now, Mr. President, it is hardly necessary, after this exposure of the pretensions set up for Mr. Fremont, to say who was the conqueror. That has been already indicated. But I will take the liberty to state, as briefly as possible, a few additional facts to establish still more incontestably the claims of Commodore Stockton to that great honor. Commodore Stockton assumed the command of the United States naval forces on the 28th day of July, 1846. The condition of the country at that time has already been shown. On the same day he issued a proclamation placing the country under martial law, and resolved upon the most prompt and vigorous prosecution of the war. He immediately organized a corps of 160 mounted men, composed chiefly of American settlers, appointed Mr. Fremont major of the battalion, and Lieutenant Gillespie, of the marine corps, captain, retaining the chief direction of affairs in his own hands. In twenty-four hours thereafter he despatched this corps, under Major Fremont, on the sloop-of-war Cyane, Captain Dupont, to San Diego, to procure horses and cattle, and to co-operate with him in the contemplated attack of the City of the Angels. On the 1st of August he sailed himself in the frigate Congress for Monterey, and proceeded to San Pedro, (about 20 miles from the City of the Angels,) and landed 850 seamen and marines, and commenced the work of drilling them for the new service in which they were engaged. On the 11th of August he commenced his march upon that city. On the 12th, when within a few miles of the enemy, they became panic-stricken and fled, leaving

and their baggage and artillery. The principal officers and a portion of the troops surrendered themselves prisoners of war, the city capitulated, and on the 13th Commodore Stockton took possession of the capital of California. The country was now conquered—the inhabitants quietly submitted—and Stockton immediately proceeded to organize a civil government. He prescribed a tariff of impost, and appointed appraisers, collectors, and other officers for the collection of the revenues; and did every other lawful act which a conqueror and governor could do. Having settled all these matters, and seeing the new government in full and successful operation, he left the city and proceeded to San Francisco, for the purpose of organizing an expedition to be commanded by himself, to land at Acapulco, on the western coast of Mexico, with a view of co-operating with Gen. Scott before the city of Mexico. But before he could accomplish the necessary arrangements for such a purpose, advantage was taken of his absence from the capital, and Generals Pico and Flores (who had been set at liberty after the capture of the city on their parole of honor) had raised a force of 400 or 500 men, and, appearing before the city, demanded its surrender. The garrison, consisting of 100 men, under Captain Gillespie, unable to resist a force so superior in numbers, was obliged to submit, and the city fell into the hands of the insurgent Californians. Thisurrection the Commodore determined to quell, and promptly made all his arrangements for that purpose. Major Fremont was despatched with 160 men to Santa Barbara, at which place, after procuring horses, he was to hold himself in readiness to join the Commodore on his march against the rebels. The Commodore himself sailed on the Congress, ran into Monterey, which had been threatened, strengthened that place with 50 men, and proceeded to San Pedro. At this place he found the enemy in considerable numbers, and learned also that an engagement had taken place between them and the crew of the frigate Savannah, which had resulted to the disadvantage of the Americans, and had greatly encouraged the Californians. He immediately landed from his ship with 300 men, in the face of the enemy, and, after a skirmish, compelled them to retreat; but, as they were well mounted, he could not pursue them. The anchorage at this place being insecure at that season of the year, the Congress sailed for San Diego, where Lieutenant Minor was besieged, and reduced to great distress. The ship, in entering the harbor, grounded on a bar, and came nearly falling over; and, while the crew were engaged in shoring her up to prevent such an occurrence, the town was vigorously attacked by the enemy. Notwithstanding this mishap to the frigate, the Commodore himself, with many men as could be spared, immediately landed, and, after a severe action, repulsed them, and relieved the garrison. Preparations were then actively made for the march upon the capital. Horses and cattle were to be procured, and officers, with a detachment of men, were sent to Lower California to collect them. While this portion of the little sailor army was thus employed, the others were kept constantly at work in manufacturing saddles for horses, shoes of canvass and leather for themselves, and gun-carriages for artillery, and in their regular drill. At this place he was kept wait-

The morning of the 9th of May, Commodore Stockton, with his army of California soldiers, having heard of the flight of Flores and Pico, marched without hindrance upon the City of Los Angeles. On the morning of the 8th of January, being in presence of the enemy, they met at the mouth of the river, and commenced the battle. The Californians, on the one side, and the Americans, on the other, fought bravely, and it was strongly supported by the artillery. The Commodore, seeing through the smoke of his men, reminded them that it was the 8th of January, and that he expected them to hold firm to the city. Their gallantry was rewarded, and notwithstanding the fire from the enemy, no shot was returned until after they had reached the opposite bank. There was great difficulty in accomplishing this, as the river was so quicksand, and the Californians who were firing with their old flintlock muskets at the time, declared it would be impossible to pass over the guns. On hearing this, the Commodore dismounted from his horse, plunged into the river, and taking hold himself of the ropes, said, "quicksand or no quicksand, the guns shall pass over!" Inspired by his heroic conduct and example, the men renewed their exertions, and soon landed the guns on the opposite side. The battle now commenced on the side of the Americans, and the enemy, after standing their ground bravely for some time against a terrible fire of artillery, began to give way, and a charge up the bluff compelled them to retreat in confusion. The loss of the Americans was only two killed and nine wounded. The loss of the enemy, as afterwards ascertained, was over seventy killed and one hundred and fifty wounded. On the morning of the 9th he pursued their retreating force in the direction of the City of the Angels to about six miles from the city he again encountered them in a well-chosen position; and another severe battle was fought, in which the Californians were again beaten, and fled in different directions. As the American commander had no cavalry, it was impossible to pursue them. The Commodore continued his march, and on the 11th, at the head of his army, he marched into the city and took possession of it. These battles decided the fate of California. The scattered remnants of the Californian army under Flores and Pico, a few days after, hearing of the approach of Col. Fremont, threw themselves in his way, and concluded a formal treaty, by which they agreed to cease all hostilities, and to acknowledge the authority of the United States. This ended the war in California; and in the language of the Secretary of War, Commodore Stockton took possession of the whole country, as a conquest of the United States, and appointed Col. Fremont governor, under the law of nations, to assume the functions of that office, when he should return to the aqueduct.

And now, Mr. President, having, as I believe, fairly and truly stated the respective claims of Col. Fremont and Commodore Stockton to the honor of the conquest of California, I ask Was not Commodore Stockton the conqueror?

THE REAL ISSUE—UNION OR DISUNION.

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LETTER

OF

EDW. S. S. MARSHALL,

ON THE

PARTIES AND POLITICS OF THE DAY,

TO

THE FREEMEN

OF THE

NINTH CONGRESSIONAL DISTRICT OF ILLINOIS.

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WASHINGTON:

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## THE REAL ISSUE—UNION OR DISUNION.

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FELLOW-CITIZENS: We are rapidly approaching the close of the most extraordinary session of Congress known to the history of our country, and the most important epoch in our country's destiny.

I know that you have not been indifferent spectators of the scenes transpiring around us. I know that with that love of the Union which is among the most cherished sentiments of your hearts, you have heard with deep solicitude those wild cries of disunion, anarchy, and civil war which have been sweeping over your beautiful prairies and carrying consternation to the remotest corners of the republic.

Fellow-citizens, as your representative, I occupy the position of a sentinel for you here, and it is your right to have a faithful report from me, in regard to everything pertaining to your interests; and as far as my humble abilities will enable me to give such report, you shall have it. I hope to see you all soon, but the condition of my health will not permit me to be among you as soon as I could desire, and I am therefore called upon, by an imperative sense of duty, to address you now in this manner. On almost any other occasion, I would say something in regard to my own course as your representative, but when the destiny of a great nation is at stake, the conduct, or even the fate, of so humble an individual as myself is a matter of very small moment. I will therefore for the present leave my official acts to be interpreted and explained by the official records of the House of which I am a member.

You know that I am not a bitter partisan, and would not intentionally deceive you or give the alarm of danger when I know there was none. Always a Democrat, I have often met the old Whig party in honorable combat, but never with denunciation of its virtuous members or patriotic purposes, and have always numbered in its ranks many of my most cherished friends. But the clarion voice of Clay is now hushed in the silence of death, and the lofty brow of Webster has bowed to the tyranny of the grave. The same earth which gave a final resting place to Jefferson, and Madison, and Jackson, has also taken to her bosom all that was mortal of the gallant Clay, and the "God-like" Webster. The flag of the party which they loved no longer floats on the field of combat, new and fearful issues have been sprung upon us, and the public mind is agitated, and rocking to and fro like the surging billows of the ocean. Coming, as I do, from the most conservative portion of this great country, and representing a people not infected with the fanatical or sectional sentiments of the extremes, either north or south, with hearts large enough and patriotic enough to embrace every portion of our common country, I have been enabled to keep my mind free from sectional excitements, and to look

calmly and dispassionately into the very face of these new parties, which, born in a night, have come forth full grown and armed at all points for the fearful battle in which we are just engaging.

### THE CONSTITUTION AND UNION IN DANGER.

I have taken a calm view of the field of conflict, and I now say to you deliberately, that in my judgment the American people, in November next, will be called upon to decide the most important issue ever submitted to a free people; an issue pregnant with the most momentous consequences, and involving in its determination the destinies of our country and to a great extent of the whole human race. This issue is nothing less than the preservation of the Union with its present countless blessings, and its glorious promises for the future, or disunion with civil war, rivers of fraternal blood, demoralization, crime, and ultimate utter ruin which must inevitably follow in its train. The depositing of your votes in the ballot box in November next, will therefore be the most important act of your whole lives.

The time was, fellow-citizens, when, in the country where you and I live, the word disunion was never heard; or if mentioned, it was in that solemn, subdued tone in which we would speak of some fearful spectre, or of some awful impending calamity, whose approach we could not anticipate, and whose depth we could not fathom. The sound grated harshly on our ears like the green clods falling on a mother's grave, or the death knell of our childhood's fondest hopes. As the Romans would not admit that any man could become so lost to all sense of honor and manhood as to shed the blood of the father that gave him being, and would not, therefore, by law provide any penalty for this impossible crime, so we believed that no man enjoying the blessings of our free government could ever turn traitor to his country; but unfortunately that day has passed. The time looked forward to by Washington with such deep solicitude is upon us.

We cannot evade, we cannot postpone the issue; we can no longer refuse to hear the word of evil import. It mingles in our conversations; fills our newspapers; is heard in our halls of legislation; and has invaded the holy sanctuary of the pulpit. It intermingles in our dreams, and interrupts our slumbers. It has become a living spectre; walks forth at noonday in all our streets and highways, and is worshipped as a God by thousands. We are compelled to look it in the face, and we must arouse ourselves like men, and *crush this monster*, if we would preserve this glorious heritage of freedom.

### THERE HAS ALWAYS BEEN A PARTY AMONGST US HOSTILE TO THE GOVERNMENT.

It cannot be denied that there has always existed in this country a party of men bitterly hostile to our institutions, and who at any time would rejoice to see the sun of our liberties go down drenched in blood. They have rarely avowed their real sentiments and purposes, but their foot-prints have always been known to the watchful patriot.

In our struggle for independence, these men, as Tories, engaged in a war against their own country, and were the most cruel and bloody persecutors of our patriot fathers. When independence was achieved, this class of men yielded a sullen and reluctant obedience; but have either openly or covertly ever since carried on their schemes to ruin our country, or, at least, to cripple its resources. And with this main object in view, they have, without scruple, seized on every pretence, appealed to every passion, and resorted to every possible pretence and sophism to effect their purpose. They have with unceasing ability opposed every measure tending to the expansion of our country, or the development of its resources. They threw obstacles in the way of the original Union; tried to confine this republic to the limits of the old thirteen States; have opposed every single acquisition of territory; and on one pretence or another have opposed every attempt to organize and open up new territories for the benefit and settlement of our hardy pioneers.

The modern "shrieks for freedom" and cries of no more slave territory are mere instruments to arouse and inflame the anti-slavery sentiment of the North, and thus carry out their long-cherished purpose by driving an excited and misguided people to their own destruction.

#### THIS DISUNION PARTY ALWAYS HOSTILE TO THE INTEREST OF THE WEST.

These leaders who manufacture this excitement and keep up this dangerous agitation have no sympathy with the slave, and would with the same avidity advocate slave extension if they could thereby effect their ultimate object. Early in the history of our country, Virginia, with that liberality and self-sacrificing devotion to the Union for which she has been distinguished, gave to the federal government that magnificent territory now constituting the great States of Ohio, Indiana, Illinois, Michigan, and Wisconsin—now the very garden spot of our country. At the commencement of the present century, thousands of hardy pioneers had braved the dangers of savage warfare, and already pitched their humble homes in this territory, and laid the foundations of those great and growing States. But although a young giant, the "Northwest" was a giant in fetters. Railroads were then unknown, and the mouth of the Mississippi was in the possession of a foreign power, so that the West had no outlet to the ocean for their produce in any direction. It became apparent to all intelligent men that Louisiana, including New Orleans and the mouth of the Mississippi, must be purchased, or the settlement and growth of the great West abandoned. But as soon as this was proposed, those same New England shops that now manufacture abolition and disunion sentiments and arguments for the whole country, then opposed this acquisition with relentless hostility. Not because it was slave territory, but distinctly on the ground that if the people of the West were allowed a free access to the Gulf of Mexico, the emigration thereby induced would depopulate their country, and the business thus opened up would cripple the commerce

of New England. The pioneers who are still living among you will remember with what deep solicitude they then looked to the federal government, and implored its assistance. Then, when the young West needed a friend, and was struggling for its very existence, those same philanthropists, who have now so much love for Kansas that they will not permit her people to frame their own institutions *for fear they may hurt themselves*, grasped us by the throat and would have strangled us in our swaddling clothes. But the gallant South came to our rescue, and, with Jefferson at their head, Louisiana was acquired; the fetters struck from western commerce, and a career of prosperity opened up to us unexampled in the history of the world.

#### THEIR TREASON DURING THE LAST BRITISH WAR—THE COMMENCEMENT AND PROGRESS OF ANTI-SLAVERY AGITATION.

Again, in our last war with Great Britain, these men sung songs of joy over the victories of the enemy—burned blue lights to direct him to our shores, and opened up a treasonable correspondence for a disruption of the confederacy.

In 1820, when Missouri came to the door of the Union with a plan of government, framed in strict compliance with the Federal Constitution, these promoters of discord first tried the game of anti-slavery agitation, and raised the cry of no more slave States. With joy they discovered that they had at last found an inexhaustible mine of agitation, and a spot where they might hope to make a breach into the Constitution. With fiendish triumph they looked upon the storm they had raised, which almost overwhelmed our gallant ship of State.

But the patriots of that day came forth in their might, and cast oil upon the troubled waters. The storm was assuaged, and the traitors were driven back to their kennels, overwhelmed with disgrace. They were defeated but not subdued. In due course of time Texas, having achieved her independence, came with a magnificent territory, sufficient to make a great empire in itself, and humbly asked permission to place her lone star amid the cluster that already illuminated our constellation. Any other nation on earth would have seized the proffered boon with avidity. Not so with us. Here was another opportunity for a new anti-slavery agitation, and it was thrown upon the country without hesitation. The genius of discord was invoked, and Texas came into the Union only after a fierce and bitter political struggle. Then the Mexican war supervened, and while our gallant soldiers, Whig and Democrat, from the North, South, East and West, were bravely carrying the flag of our country to victory and glory, these men denounced them as murderers; endeavored to prevent supplies to feed them; and urged the Mexicans to "welcome them with bloody hands to hospitable graves." When peace was again about to return, and our government demanded New Mexico, Utah, and California, as an indemnity for the expenses of the war, it was opposed with relentless hate by this class of men, who denounced these countries as utterly sterile and worthless and attempted at all stages to embarrass our government with their

Wilmot Proviso. But peace returned to our people, and with it came these priceless acquisitions.

#### COMPROMISE MEASURES OF 1850.

But agitation did not cease with the termination of that war. It became necessary to organize these Territories and throw the shield of the Constitution around their enterprising pioneers. The ever fruitful hobby was again resorted to and the public mind was lashed into fury by unscrupulous demagogues. The storm that raged appalled every patriot in the land. Our gallant ship of State, rocked and reeled by the fury and violence of the storm, needed all the wisdom and experience of the most skillful pilots to bring her to a port of safety. Clay, the leader and idol of his party, had retired from public life to the shades of Ashland, to prepare for the final summons which the greatest must obey. Old age had crept upon the gallant Kentuckian, and the blood coursed languidly through his veins. But his heart knew no change, and still beat with all its youthful ardor for the country he so much loved. The nation called and he turned his back upon the quiet home of his affections, and dragged his aged limbs far away to the Federal capital, and spent the last energies of his life in once more restoring peace to a distracted country.

There was at the same time, far away on the shores of our northern lakes, another noble statesman, for many years the acknowledged leader of the other great party of the country. He too had nearly lived out the time allotted to man; and his limbs were stiffening with age. But the country demanded his services, and Cass, too, obeyed the summons. These great men had been political rivals for a third of a century, and each had given and received many a gallant blow. But their country was in danger, and they forgot party, forgot rivalry, ambition, everything but their country. Each knew the other to be a true patriot, and in the warm embrace of those noble old men the issues and animosities of the Whig and Democratic parties were buried forever.

Around these leaders gathered all the patriotic of the land. They held grave counsel for the safety of the republic. They felt that the day of temporary expedients had gone by. They had proved impotent for crushing the serpent that had crept into our Eden. It was necessary now to strike at the root of the cancer that was eating into our body politic. They felt that there must have been some error in the former measures of pacification, or the storm would not so soon and so often return upon us with renewed violence. They took up the Constitution, the charter of the Federal authority, to see what power they had to legislate upon this subject of slavery. They scrutinized it, word by word, and paragraph by paragraph, but they found not a single word which directly or indirectly even tended towards a grant of power to establish, abolish, or regulate slavery. They then read the history of the formation and adoption of the Constitution, and found that it was established for certain well known and well defined purposes, and that the regulation of slavery was not one of them. The States had all the power necessary, without any confederation, to regu-

late or abolish the institution, and therefore that was not one of the necessities out of which the Federal government sprung. They found that all the States came into the Union and adopted the constitution as equals in every respect whatever; and that the institutions of each, as far as the Federal government was concerned, were equally sacred and respectable. The conclusion was irresistible that any attempt on the part of the Federal government, established by all and for the benefit of all, to draw an odious distinction in favor of the institutions of one section, and against those of another section;—to say to one, Your institutions are holy, and to another, yours are unholy;—to say to one of these sovereign and coequal States, Our Territories, it is true, were purchased with the common blood and treasure of us all, but your institutions are wicked and damnable, and neither they nor your people shall go into the Territories; and at the same time say to another, Your institutions are pure and holy, enter thou in and enjoy this rich inheritance;—the conclusion, I say, was irresistible that all such legislation was a misuse of the Federal power—a gross and palpable usurpation of powers never intended to be granted, and which usurpation ought to be resisted.

#### PRINCIPLES ESTABLISHED BY THE "COMPROMISE" OF 1850.

The extremists of the South were clamorous in their opposition to the organization of these Territories, unless some provision was made for the existence of slavery therein. The northern fanatics were equally clamorous for a clause prohibiting slavery. Here was an irreconcilable collision between different sections of our common country.

But the patriots who had been called upon to adjust these difficulties, saw their course as clear as noonday. They said to the southern extremists, You are asking that which is unreasonable. We have looked into the constitution, and we find there no power to discriminate in favor of your institutions against those of the North. They said to northern fanatics, Your demands are equally unreasonable, and cannot be granted without a violation of the purpose for which the Union was established. We will provide Territorial governments for Utah and New Mexico; but, in doing so, we will adopt the principles of the constitution, and provide that the people of these Territories shall have the making of their own laws, and the establishment of their own domestic institutions. We will not—we have no power to—deprive them of the right of self-government. The constitution knows no North, no South, and we will not draw an insulting line of demarcation unknown to that sacred instrument. Let our citizens from every portion of this broad land, without any distinction whatever, go there and pitch their homes, and let them go to the ballot-box and determine the character of their institutions for themselves, just as the people of New York and Virginia, Massachusetts and South Carolina, settled these questions for themselves—peacefully, and without any intervention on the part of the federal government.

This principle appealed to the sense of right and justice of the great body of the American people. They saw, indeed, that it was our only

hope—the very ark of our safety. The Territories were then organized; the public mind was satisfied; the storm abated, and the sounds of sectional agitation were again driven back howling to their kennels.

### THE KANSAS AND NEBRASKA ACT.

They have now rallied for a final, and more bold and desperate struggle. The constitution and the Union are in imminent peril. Kansas and Nebraska lay directly on our road to our possessions on the Pacific. Our people were journeying through these Territories by thousands, and it became necessary to throw around them the protection of law. An act was passed for the organization of these Territories, in strict conformity to the constitution, and in exact compliance with the principles of the Utah and New Mexico bills, embraced in the Compromise measures of 1850; which were endorsed by both the Whig and Democratic parties in 1852, and had met the approval of the whole country.

Every attempt to open up a new Territory to the enterprise of our people has been the signal for renewed assaults upon the constitution by the disunion agitators. With an unscrupulous, bloated, mercenary press in their service, they have now succeeded but too well in lashing the popular mind into phrensy and madness. The constitution, history, truth, everything sacred, are utterly disregarded, and a set of insulting epithets have been invented to supply the place of truth and argument. "Slave Oligarchy," "Slave Aristocracy," "The Aggression of the Slave Power," "Slave Democracy," "Doughface," and similar phrases, are repeated, day by day, with endless changes and repetitions, until thousands, who will not stop to look at the facts, believe these epithets really represent some definite ideas, and that there is some terrible monster, or some dreadful conspiracy, which threatens to devour the people of the free States, or to overthrow their liberties. These epithets form the burden of every abolition speech, abolition editorial, and abolition sermon. Agitation, *ceaseless agitation*, is their trade; and, for this purpose, they resort to "assertions without proof, declamation without argument, and violent censure without dignity or moderation."

### BIRTH OF THE KNOW-NOTHING PARTY.

The national men of the country saw the storm approaching, and prepared to meet it with courage and confidence. They had measured the strength of the enemy, and had no fears of the result; but, unfortunately, the leaders of the old Whig party were resting in their graves, and their followers, defeated and dispirited, were scattered throughout the country without organization or any definite object for the future. But national sentiments had been deeply ingrafted into them by their noble leaders, and the enemies of the constitution could not hope to enlist them in their cause, unless some means of deception or fraud could be resorted to. In this crisis a new agency was brought to bear, and a new element mingled in the strife, and to that are we

Now indebted for the giant proportions and dangerous prominence of this new party.

In an evil hour to our country, a man of perverted talents and vicious morale—an outcast of prisons and of society—in the darkness of night, and shut out from the observations of men, gathered around him his discontented and equally vicious companions, and there planned a secret organization, bound together by dreadful, unchristian, and unconstitutional oaths, with a ritual appealing to the lowest prejudices of our nature. It is beyond all question the most dangerous instrument ever invented for the destruction of the liberties of a free people. It appealed to every passion and prejudice, adapted itself to every shade of opinion, and promised the realization of every hope. To the disappointed and disaffected Democrat, it promised revenge and promotion; to the Whigs, a powerful and irresistible reorganization of their old party; to those who still retained in their hearts the old aristocratic leaven, which claims superiority on account of family or birth-place, it promised a patent of nobility, protected by the sanctions of the law; to the bigoted and intolerant, a harvest of religious persecution; to those who really believed the foolish stories about the dangers to our country from that petty and powerless prince—the Pope of Rome—it promised protection and security; to the wind-galled, spavined, broken-down politician, it held out the hope of offices and emoluments.

The secrecy and mystery of its movements attracted crowds to its meshes, and thousands entered these dens, influenced by no higher motive than that which led our mother Eve to commit the act that brought sin and death into our world. To all it promised immunity from censure or observation, for all were bound not to tell the truth in regard to its membership, its organization, or its objects. All were told that they would be free to withdraw at any time; but, like the fly which ventures into the spider's web, once within its meshes, escape was almost impossible. It inaugurated a system of falsehood, deceit, and fraud, and struck down the first principles of manhood and of morals. Free-born, frank, manly citizens, decoyed into these dens, emerged from them with their souls in fetters, and a padlock upon their lips. They entered patriots and came forth they knew not what, and bound to obey the decrees of they knew not what.

#### THE KNOW-NOTHING PARTY BECOME AN ALLY OF ABOLITIONISM.

Whether the disunion Abolition leaders assisted in planning this organization or not is not known, but Satan himself could not have invented an instrument more suited to their purposes. They immediately seized upon it, and, with deceitful professions of their nationality and devotion to the constitution, they went forth on their mission of treason conquering and to conquer. The Democratic leaders saw the danger, and boldly denounced the movement. Deceived by professions, a large party in the South, forgetting that noble independence and free-spoken manhood for which they had been distinguished, entered the secret dens and united with this northern host in their war-

late on the only party that presented a barrier to the inroads of sectionalism upon the constitution.

The growth of this oath-bound organization was beyond all precedent, and enough to appal the stoutest heart. With the machinery of grips, and signs, and passwords, and dark lanterns, its march was noiseless and imperceptible. It stole upon us like a thief in the nighttime, and decoyed our young men into its haunts, and bound them to its behests. Once withdrawn from their old party ties, they soon lost their nationality, and were easily moulded to the purposes of their new leaders, and throughout the whole North, at least nine out of ten, who were entrapped into these lodges, and have adhered to them, after passing through the Know-nothing crucible, came out avowed Abolitionists or Black Republicans. All will remember the political struggle of 1854 throughout the northern States. One by one the national men of the North fell before the blows of this secret foe; and ever and anon, as these true men were struck down, would come from the South a shout of triumph, and the light of their bon-fire rejoicings, at these victories of the "Great American party." But the present Congress convened, and the cloven foot could no longer be concealed. Out of over ninety Know-nothings elected to the present House of Representatives from the free States, all, (save some half a dozen,) including our "Union-sliding" Speaker, stood forth open avowed Black Republicans, united in an unholy crusade against the institutions of fifteen States of this confederacy. And thus, by the aid of this secret machinery, and, strange as it may seem, with the co-operation and sympathy of southern men, have these disunion-Abolitionists been able to build up the present Black Republican party, which, with uncouth howlings, are endeavoring to pull down the pillars of this temple of liberty, and involve us all in one common ruin. Without Know-nothingism, Abolitionism was a dangerous element, but comparatively powerless for evil; with it, it has suddenly attained its present giant growth and defiant gait, which strikes terror to those most confident in the perpetuity of our institutions. Without Know-nothingism, this party presented to our eyes a dark cloud in the far north, which caused deep solicitude to every patriot. By the aid of this secret machinery, this cloud has grown, and swelled, and expanded, until it now covers the whole heavens, and behind it we see the fierce lightnings of disunion, and hear the hoarse rumblings of civil war. Without Know-nothingism, the danger was kept at a distance and within bounds; by its aid, this danger has been brought to our very doors, and threatens the sudden destruction of all that is dear to us.

I now propose to establish, by evidence, "strong as proof of Holy Writ," first, that the object of the leaders of the Abolition "Republican" party is a dissolution of the Union; and, secondly, that such dissolution must inevitably result from the success of that party.

# **A DISSOLUTION OF THE UNION IS THE OBJECT OF THE ABOLITION "REPUBLICAN" PARTY.**

On this point, it would be an easy matter to compile a volume of evidence, but what I here submit ought to satisfy every freeman in the

land. The ablest of the anti-slavery agitators belong to the "Anti-Slavery party," whose headquarters, for carrying on their operations, are England and Massachusetts. These men do not attempt to conceal their object; but, on the contrary, boldly proclaim it. A late number of the London Telegraph, one of their British organs, says:

"There are now over three millions of human beings held in cruel bondage in the United States. If, therefore, the United States government deny, and is resolved to question the right of Great Britain to her Central American possessions, we, the people of the British Empire, are resolved to strike off the shackles from the feet of her three millions of slaves. And there are those among us who will sanctify such a glorious cause."

The London News, speaking of the probability of a war between Great Britain and the United States, says:

"The constitution would be set on its head. The best of them are so now."

In each number of one of the leading newspapers of this party, published at Boston, there appears at the head of its columns, in prominent characters, the motto—"No union with slaveholders. The United States constitution is a covenant with death, and an agreement with hell."

And this, and several other papers published in that section, constantly, openly, and boldly advocate an immediate dissolution of the Union.

At the twenty-third annual meeting of the Massachusetts Anti-Slavery Society, which convened at Boston on the 24th day of January, last, it was

Resolved, That the one great issue before the country is the dissolution of the Union, in comparison with which all other issues with the slave power are as dust in the balance; therefore we will give ourselves to the work of annulling this covenant with death, as essential to our own innocence, and the speedy and everlasting overthrow of the slave system."

On that occasion, Wendell Phillips commenced his speech, in favor of disunion, thus:

"It entirely accords with the sentiment of that last resolution. I think all we have to do is to prepare the public mind by the daily and hourly presentation of the doctrine of disunion. Events which, fortunately for us, the government itself, and other parties, are producing with unexampled rapidity, are our pestal."

And this speech, continued in this spirit, was applauded throughout by the audience there assembled.

On the 18th of December last, Mr. Giddings, in the House of Representatives, made a speech on the organization of the House, in which, after heaping upon the South the most insulting epithets, and thereby, as far as in him lay, weakening the bonds of the Union, in alluding to a remark that the aggressions of the Black Republicans, if continued, would lead to a destruction of the government, he turned to the southern members, and, in a tone of bravado, remarked: "You shall not dissolve the Union." "With unwavering determination we say to those traitors, you shall not dissolve it." The Boston Liberator, of the 14th of January, last, thus gently reproves the insincerity of his friend:

"Mr. Giddings says truly, that the dissolution of the Union has long been held up as a scare-crow by the South; but when he adds that the friends of liberty have never demanded it, his statement is untrue, unless he means to confine it to his political associates, who are but compromisers at best. We demand nothing short of a dissolution, absolute and immediate. The Union which was founded by our fathers, was cemented with the blood of the slave, and effected through his immolation."

On our last national anniversary—the 4th of July of the present year, when the whole American people should have sent up one united

heart to the throne of God, in gratitude for the countless blessings showered upon us, a mass meeting was held at Framingham, in Massachusetts, at which several disunion speeches were made, and received with applause. My space will not permit me to give extracts from but two. Wm. Lloyd Garrison said:

"Let us, then, to-day, rejecting as wild and chimerical all suggestions, propositions, and contrivances for restraining slavery in its present limits, while extending constitutional protection to it in fifteen of the thirty-one States, register our pledge anew before Heaven and the world, that we will do what in us lies to effect the eternal overthrow of this blood-stained Union, that thus our enslaved countrymen may find a sure deliverance, and we may no longer be answerable for their blood."

J. B. Swassey, esq., who addressed the meeting at the same time, said:

"In the old times, I was what was called an Anti-slavery Whig. But, Mr. President, it has come to my mind like a conviction, that it is utterly in vain to hope that we can live under such a government as this with our professions, and with our pretended love of freedom and right. Why, the thing is impossible. There cannot, in the nature of things, be any union between the principles of liberty and slavery. There never has been any union, except by the subjugation of the principles of liberty to those of despotism. For one, sir, I believe that the duty of every true man is now to take the ground of secession."

I have before me a copy of a petition now being circulated throughout the New England States, asking for an immediate dissolution of the Union. The very last number of the Boston Liberator, speaking of these petitions, says: "As the time for the adjournment of Congress is rapidly approaching, there should be no delay in forwarding to that body the petitions for the dissolution of the Union, whether the signatures to them be many or few. But who that has a drop of free blood running in his veins, or carries a virtuous heart in his bosom, or worships at the shrine of liberty, will hesitate to affix his signature."

A writer in the National Anti-Slavery Standard, writing from Newburg, on the Hudson, under date of May 28, says: "But I waste words. In this fearful crisis one hope is left us—the hope that the people of the North will see the jeopardy in which they stand, and will look disunion calmly in the face. Let those of us who feel this wrong throw away these miserable party divisions, and, lifting up our eyes to that Heaven, where Liberty, the daughter of God, stands forever by her Father's throne, strike in her name, and but one blow."

I know it will be said that these are the sentiments of the ultra Abolitionists, and that those virtuous gentlemen, Seward, Greeley, Giddings, Fremont, and company, do not intend to go quite that far. I implore you, fellow-citizens, if you love your country, to hug no such delusive hope to your bosoms. Those whose sentiments I have quoted see the inevitable tendency of this anti-slavery agitation, and frankly avow their objects. But these last-named are endeavoring to conceal their real purposes, and, by exciting and misleading the masses, make them instruments for their own destruction. The Garrison school and the Seward school are identical in their objects, instruments, and results. They trim their sails to the same winds, and will arrive at precisely the same port. They sing the same song of "slave aggression," "slave oligarchy," "slave democracy," and "bleeding Kansas," and they sing it to precisely the same tune. Those who cannot see their identity are unworthy of the freedom they enjoy. And they are not always success-

ful in violating any contemplation of their objects. Indeed, we have abundant official testimony on this point. And when we do get a glimpse of their purposes, they are so malignant and bloody, that we shrink back from their contemplation with horror. It is manifest that their plan is by constant abuse and insult—by reviling their people and institutions—by never-ending opprobrium and aggressive agitation—by taking possession of the federal government and administering it for their oppression to force the South to withdraw; or if she (still hoping for a better state of public opinion) continues true to the Union, then they intend to take up the sword themselves and dissolve it in blood.

Horace Greeley, the pilot of the disunion craft on which Seward is captain, and Fremont, Bissell, Wentworth, Lovejoy, Giddings, and company have taken passage, just before the passage of the Kansas act, gave his command for agitation in these words:

"We urge, therefore, unbending determination on the part of the Northern members hostile to this insupportable outrage, and demand of them, in behalf of peace, in behalf of freedom, in behalf of justice and humanity, resistance to the last. Better that confusion should ensue—better that discord should reign in the national councils—better that Congress should break up in wild disorder—nay, better that the Capitol itself should blaze by the torch of the incendiary, or fall and bury all its inmates beneath its crumbling ruins, than that this perfidy and wrong should be finally accomplished."

Seward, who is the very life and soul of this party, as far back as 1848, in a speech made at Cleveland, six years before the passage of the Kansas Nebraska act, gave the world a very clear intimation of the plan of operations which they are now carrying out. He says:

"Correct your own error, that slavery has any constitutional guarantee which may not be released, and ought not to be relinquished. Say to slavery, when it shows its bond (that is, the constitution) and demands its pound of flesh, that if it draws one drop of blood its life shall pay the forfeit." "Do all this, and inculcate all this in the spirit of moderation and benevolence, and not of retaliation and fanaticism, and you will soon bring the parties of the century into an effective aggression upon slavery."

Senator Wilson, of Massachusetts, another active leader, in a lecture delivered at Tremont Temple, Boston, last spring, says:

"Send it abroad on the wings of the wind that I am committed, fully committed, committed to the fullest extent in favor of immediate and unconditional abolition of slavery wherever it exists under the authority of the constitution of the United States."

And again, in a letter dated June 20, 1855, to Wendell Phillips, an extract from one of whose disunion speeches I have given above, Wilson says:

"I hope, my dear sir, that we shall all strive to unite and combine all the friends of freedom, that we shall forget each other's faults and shortcomings in the past, and all labor to secure that co-operation by which alone the slave is to be emancipated, and the dominion of his master broken. Let us remember that more than three millions of bondmen, groaning under nameless woes, demand that we shall cease to reproach each other, and that we labor for their deliverance."

I will now, without comment, give a few additional extracts from speeches and writings of the leaders of the Fremont party out of a large pile lying before me, and which is, day by day, accumulating on my hands:

"The Union is not worth supporting in connexion with the South."—*Horace Greeley.*  
"I look forward to the day when there shall be a servile insurrection in the South, when the black man, armed with British bayonets, and led on by British officers, shall assert his freedom, and wage a war of extermination against his master; when the torch of the incendiary shall be kindled in the South, and blot out the last vestige of slavery."

though I may not laugh at their calamity, nor mock when their fear cometh, yet I shall hail it as the dawn of a political millennium."—*Giddings*.

"I am willing, in a certain state of circumstances, to let the Union slide."—*N. P. Banks*, Speaker of the House of Representatives.

"In the case of the alternative being presented of the continuance of slavery, or a dissolution of the Union, I am for dissolution, and I care not how soon it comes."—*Rufus P. Spaulding*.

"I detect slavery, and say, unhesitatingly, that I am for its abolition by some means, & it should send all the party organizations in the Union, or the Union itself, to the devil."—*H. H. Adams*, of the *American Advertiser*.

"Better disunion, better a civil or a servile war, better anything that God, in his providence, shall send, than an extension of the bonds of slavery."—*Horace Mann*.

"If peaceful means fail us, and we are driven to the last extremity, where ballots are useless, then we'll make ballots effective."—*Hon. Erastus H. Phelps*, of *Newachusetts*.

"On the action of this convention depends the fate of this country; if the 'Republicans' fail at the ballot-box, we will be forced to drive back the slaveocracy with fire and sword."—*General Webb* in a speech in the convention that nominated Fremont, and which was received with "tremendous applause."

"The remedy is to go to the polls, and through the ballot-box repudiate the infamous platform put forth at Cincinnati, and over which the black flag of slavery waves with characteristic impudence; and failing in this, do as our fathers did before us—stand by our inalienable rights, and drive back with arms, those who dare to trample upon our inheritance."—*General Webb*, from an editorial in his paper.

"I sincerely hope a civil war may burst upon the country. I want to see American slavery abolished in my day. It is a legacy I have no wish to leave my children. Then my most fervent prayer is that England, France and Spain may speedily take this slavery-accursed nation into their special consideration, and when the time arrives for the streets of the cities of these lands to be the free and home of the brave to run with blood to the horses' bridles, in the winter of this year, there will be one heart to rejoice at the retributive justice of Heaven."—*W. O. Duval*, "one of the leading Republicans of New York."

"It is the duty of the North, in case they fail in electing a President and Congress that will restore freedom in Kansas, to revolutionize the government."—*Resolution of a Black Republican meeting in Wisconsin*.

"By all her regard for the generations of the future, by her reverence for God and man, the North is bound to dissolve her present union with kidnappers and murderers, and form a Northern Republic on the basis of 'No union with slaveholders.'"—*Henry C. Wright*, writing from *Haukegan, Illinois*, under date of June 9th, 1856, to one of the Northern papers.

"Resolved, That the slavery advocates may prate to their hearts' content about the glorious Union, the mighty advantages resulting therefrom, the dangers to which it is exposed, arising from the agitation of the slavery question, and the incalculable evils consequent upon its dissolution. We, as friends of human freedom, know no political union, and acknowledge none, but that based on the equality and brotherhood of man. Every other union is a shadow without substance. We, moreover, in all sincerity declare, that, if the Union of these United States is built upon slavery, it is not worth preserving. Yea, let it be dashed unto a thousand fragments, rather than serve as a perpetuation of wholesale robbery."—*Resolution passed at a Black Republican meeting at Farrow's Grove, Mercer county, Illinois*.

Fellow citizens, I will quote no farther on this point. It is at best a soul-sickening duty that I am now performing. If you are not now convinced that disunion and civil war are the objects of the leaders of this Black Republican party, "you would not believe though one should rise from the dead."

#### BLACK REPUBLICANISM versus THE BIBLE.

It is not enough that the constitution should be trampled under foot, and this glorious Union broken up and destroyed. Everything sacred and holy must be prostrated before the march of this mad fanaticism. Some of this "truly patriotic body of men" have recently taken to reading the Bible, and find, with horror and consternation, that it has not come out as explicitly on the side of "Free Kansas" as they think it should have done. They find that, although the Almighty had the

world to choose from, he selected Abraham, a slave-holder, as the father of his chosen people, and, in a peculiar manner, favored Job, another of the ancient "slaveocracy," and declared him to be a just man, "one that feared God and eschewed evil." They find that when the Saviour of man was on earth, although slavery existed all around him, and although he denounced very freely the prevailing sins of the world, he never even so much as intimated that slavery was of itself a sin or a crime. They find that Paul returned a fugitive slave, (Onesimus) to Philemon, his master, and was very explicit in his injunction to servants to be obedient to their masters. They find that the Bible is down on underground railroads, and denounces death as the penalty for man-stealing; but that neither the Almighty in his laws delivered to Moses, nor the Saviour, nor his apostles, ever denounced slavery as established by law as in itself a sin. All Black Republicanism is in a perfect ferment at this awful discovery. It is worse than the last bulletin from "bleeding Kansas." A convocation of the wise ones is had, and it is unanimously voted that the Almighty was an ally of the "border ruffians"—Christ a "doughface"—Paul a base tool of the "slaveocracy," and the Bible itself a campaign document got up to secure the election of Buchanan and Breckinridge, and to perpetuate this "infamous administration." This is not to be tolerated, and a distinguished member of Congress from Massachusetts proclaims to the world their decree in these words: "*The times demand, and we must have, an anti-slavery Constitution, an anti-slavery Bible, and an anti-slavery God.*"

They have already found their anti-slavery God in the person of one Colonel Fremont, who, without one particle of political experience or qualifications for the position, is put forward for the highest office in the gift of the American people. Their "anti-slavery constitution" they will make as soon as they get the present one torn to fragments. But the getting up of a new Bible is a more difficult matter, and they found it necessary to call a convention for that especial purpose. I copy from a cull published in the Boston Liberator, of March 21, 1856:

#### "WORLD'S BIBLE CONVENTION."

"We, the undersigned, desirous of promoting the improvement of our race, and believing that the doctrine of the divine authority of the Bible is one of the greatest hindrances to its improvement; and believing further that this doctrine has no foundation in truth, and that a fair and thorough investigation would lead to its speedy and general abandonment, we, all, in whatever part of the world they may dwell, who feel an interest in the matter, to meet in New York in May next, and to adopt such measures as may be calculated to spread through the world what may appear to be the truth on this important subject."

These proceedings need no comment. If any one is so far gone in fanaticism as not to be shocked at them, his case is indeed hopeless.

**DISUNION WOULD BE THE INEVITABLE RESULT OF THE SUCCESS OF THE BLACK REPUBLICAN PARTY.**

I should not, fellow-citizens, be dealing with you with that candor which you have a right to expect, if I were to assert that the great mass of the people whose minds have been lashed into this storm of fury and

...were at heart the enemies of their country, or desire its destruction. Indeed, I know that such is not the case. But the Republic (the republic) is, therefore, none the less. No free government has ever been destroyed by foreign enemies, as long as the people understand their true interests. It is only where demagogues have been able to take advantage of the honest impulses of the masses, and deceive and mislead them, that republics have ever fallen before the assaults of their enemies. In this way have the fondest hopes of mankind time and again, been blasted; and it is in this way that the fair fabric of human government ever vouchsafed to man, is now in danger of being destroyed.

What is the American Union? Of what does it consist? And on what is it based? It is not the parchment on which the constitution is written. It is not made up of any particular formula of words, and it cannot be preserved by the power of the sword. *The very life of the Union is in the hearts of the American people.* It is made up of mutual forbearance and mutual concession—of honest, heartfelt love and affection for a common country, and every portion thereof. And this affection cannot be maintained without equal and exact justice to the whole country, and to every citizen. We must learn to attend to our own business, and refrain from crimination and this chafeless, insulting, maddening opprobrium heaped upon the institutions, customs, habits, and prejudices of our neighbors—our brothers and equal heirs to the blessings of our matchless government. Professions of devotion to the Union amount to nothing when we show by our conduct that we are cultivating feelings and principles which must lead to its destruction. The "Republican" convention, by a kind of solemn mockery, proclaim their devotion to the Union; whilst one of the most able leaders of that party, judging of others by his own feelings, declares, that "there is really no union now between the North and the South, and he believed no two nations upon the earth entertained feelings of more bitter rancor towards each other than these two nations of the republic."

Mr. Giddings, in the House, reviles the institutions of fifteen States of this Union, tramples upon their habits, customs, and prejudices, and insults their people, and then turns to their representatives, and exclaims, "You shall not dissolve this Union," and threatens them with a halber, if they attempt to withdraw. Senator Wilson, in the United States Senate, denounces the South, but, at the same time, asserts that there is no danger of secession; that the South "could not be kicked out of the Union." The same senator, in a speech he made in the convention which nominated Fremont, proclaimed, as the motto of the party—"Freemen of the North have a right to govern this country." Twelve of the thirteen original States of the Union were slave States, and recognised the existence of slavery among them. While the free States were in the minority, all was peace, concord, and harmony, as far as this question was concerned. There was no complaint then of aggression on the one part or the other. The South never attempted, in any way, to intrude her institutions upon the people of the North; but, on the contrary, her statesmen had commenced, in good faith, and acting as to the best mode of tolerating the fetters of the slave, and

swell, affecting his constitution. But no sooner had we obtained the majority, than this senseless and unholly agitation was commenced, which has fastened the bonds of the slave, and conducted our country now to the very brink of ruin. We have now a majority in both branches of Congress, and have a population of seventeen millions of citizens, while they have but six. With our prosperity and numbers, we have become arrogant, overbearing, and insulting. And now the monstrous doctrine is promulgated, that fifteen States of the Union are to be wholly disregarded, and that the "freemen of the North have a right to govern this country." Govern it how? By cultivating sentiments of affection for every portion of our country? By equal and just laws, and the recognition of the perfect equality of all the States of the Union? Not at all. On the contrary, they propose to govern it by usurpation, and the power of numbers, and the sword. They propose, under the plausible cry of, no more slave States, to shut out our brethren of the South from those magnificent Territories acquired by their blood and treasure as well as ours, unless they will abandon property which has descended to them, and institutions under which their fathers and themselves have lived and prospered. They propose, in fact, to seize upon the federal government, and reduce the South to subjection. They propose to maintain this Union just as the union between England and Ireland is maintained—just as Great Britain attempted to maintain the union between the mother country and her American colonies.

Fellow-citizens, I implore you to pause and ask yourselves whether our government can be preserved in any such way. The great body of the South love the Union, and would deplore a severance of it as a great public calamity. But will they submit to repeated wrong and injustice? Will they submit to the drawing an odious distinction between themselves and us? Will they submit to degradation? *This is an awful experiment for us to try.*

Our forefathers loved the mother-country from which they sprung. It required a series of aggressions to alienate their affections. But they claimed to be freemen, and, in political rights, to be the equals of their brethren on the other side of the Atlantic. They appealed to their brethren, and "warned them of attempts made by the legislature to extend an unwarrantable jurisdiction over them." They "appealed to their native justice and magnanimity, and conjured them by the ties of common kindred to disavow these usurpations." But they were "deaf to the voice of justice and consanguinity." Our fathers saw the awful perils before them. They were but a handful, scattered over a large country without money, an army, navy, or munitions of war. They were contending with the most powerful nation on earth, but they did not hesitate. They knew that they and their families and homes might be swept from the face of the earth, but they preferred even that to degradation. The consequence of these usurpations was a long and bloody war, and the dismemberment of the British empire.

But it may be said that our aggressions upon our southern brethren are not equal to those of the British government upon us. But look at the facts. For what was it that our forefathers appealed to the God of battles for justice? The immediate burdens were in themselves.

light and trivial—an insignificant tax on tea and paper. It was the principles involved—the attempt to discriminate and draw an odious distinction between them and their brethren on the other side of the Atlantic which they would not, and, as freemen, could not submit to. Are our brethren at the South weaker, or have they less at stake than our forefathers had? Hundreds of millions of dollars are inseparably interwoven with this slave institution. The blood and treasure of the South contributed equally with ours to the acquisition of our vast territories; but we tell them that, unless they will abandon their property and the institutions under which they were raised, they shall not go into these territories, and that we will possess and enjoy every foot thereof. And this cry of “no more slave States” is not only for the present, but is to extend to all future acquisitions. In short, we are to ask of the South to help us fight our battles and contribute to the support of the federal government, but that government is to be administered exclusively for the benefit of the North and to foster her institutions. I ask you again, fellow-citizens, will the South submit to this? Ought she to submit to it? Can she submit to it without degradation?

Let us not be deceived by the cry that the South is weak, and will not, therefore, risk a separation? Our fathers were less than three millions, and were apparently without resources. In the South are six millions of as gallant, high-spirited freemen as ever trod the green sod of our mother earth, with all the elements of a great nation. The North, it is true, if united in a war of aggression, is greatly her superior in numbers and wealth. But if we are so lost to all sense of honor as to attempt it, we never could reduce the South to subjection to a government where she could not obtain justice. We might possibly stir up a servile war, desolate her now happy homes, and cause her cities to run rivers of blood. It might be possible for us to sweep her whole population from the earth; but as long as one man was found alive, his arm would be raised to strike the invader, and an enlightened world would applaud the act.

But if we could do so with perfect safety, will we ask our brethren to submit to any such degradation? On every battle-field of our country, the men of the North and the men of the South have marched side by side as brothers to victory and glory. “They have poured their blood into one common stream, and, locked in each other’s arms, they filled one common grave.” And shall we now say to them we are holier than they? Shall we stand up in the market-places and thank God that we are not as these publicans and sinners? Are we purer than Washington and Jefferson, Madison and Jackson, Calhoun and Clay, all of whom were slaveholders, and lived in slave States? and will we refuse to live under a government which recognises them and their children as our equals? Do we wish them to occupy towards us a position similar to that occupied by Ireland towards England? I know your hearts too well to have any doubts as to the answer.

and now I repeat this not so and insinuating as—divided into  
 THE AGGRESSIONS OF THE SLAVE POWER

We of the North have our ears constantly stunned with the cry of "slaveocracy," "slave-oligarchy," "the aggressions of the slave power," and like phrases. These will do very well "to tickle the ears of the groundlings," and to frighten old women and children; but men, who have the destinies of a great nation in their keeping, ought to inquire what is the foundation for the constant use of these insulting and opprobrious epithets.

History will teach you that our connection with the South, instead of an injury, has been the source of innumerable blessings to us. When our struggle for independence commenced, and we needed a man to lead our armies, Virginia, a "slave power," gave up her own great son, one of the now much abused "slaveocracy," who, through a long and perilous war, led our countrymen to victory and immortality. When it became necessary to throw off our allegiance to the mother country, the same "slave power" gave us Jefferson, another one of the "slaveocracy," to draught the immortal Declaration of Independence. When it became necessary to form "a more perfect government," the same "slave power" gave us Madison, another one of the "slaveocracy," to draught our matchless Constitution. When our country was again invaded by a foreign foe, and our arms were disgraced in the North, and our capitol burned, Tennessee, another "slave power," gave us her own Jackson, one of the "slaveocracy," who closed the war in a blaze of glory, and wiped out our disgrace in the foeman's blood. In 1820, when these sectional traitors had raised a storm that threatened to engulf us, Kentucky, another "slave power," gave us the immortal Clay, one of the "slave-oligarchy," who cast oil on the troubled waters, and drove the hounds of discord back to their kennels. These are some of the awful aggressions of the "slave power."

"Oh, but their aggressions have been Territorial." Let us look at that a moment. And, to understand this matter properly, I ask you to take up the map of our country. You will see that those of the old thirteen States, which are now "free" make but a small speck on that map. When our independence was achieved, not one foot of that almost boundless region lying far away towards the setting sun belonged to those "free States," or to either of them, and they had no right or power to fix the destinies of any portion thereof. But that vast country, now constituting the great States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, which now, in their infancy, have a larger white population than the whole fifteen States together, belonged to Virginia, and was, every foot of it, slave territory. The Federal government was poor, borne down with debt, and crippled in its resources. Virginia came forward, with generosity that has no parallel in the history of the world, and laid this magnificent territory, as a free offering, at the foot of the national treasury. The slave States were greatly in the preponderance, and, not anticipating this unholy crusade against her institutions, she dedi-

called this territory forever to freedom. This is the first great Territorial "aggression of the slave power." And we of the Northwest are indebted to a slave State, and not to Massachusetts abolitionism, for our happy homes and free institutions.

Again, in 1803, as I have before stated, Louisiana Territory was acquired from France. This acquisition embraced that vast country between the Mississippi and the Rocky Mountains, and extended from the Gulf of Mexico, on the south, far away to the British possessions, on the north. And every foot of this was slave territory, in which slavery had already been established by law, and in which there were already over forty thousand slaves. We bound ourselves, too, in our treaty of purchase, to protect the people of the Territory in their religion and rights of property, and to admit them into the Union upon an equality with the original States. But when, in due course of time, Missouri (carved out of this territory) came to the door of the Union, with a constitution in compliance with the terms of the treaty, and the Federal Constitution, she was indignantly spurned, and the North would not receive her unless the people who were there would leave with their slave property and agree never to return, and leave that State as a home for the universal Yankee nation of the North. This naturally aroused the indignation of the South, and raised the storm to which I have before referred.

Missouri had an undoubted right, by virtue of said treaty and the principles of the Constitution, to come into the Union without any restrictions whatever. But, for the sake of harmony, the South agreed to have a black line drawn between the North and the South on the parallel of  $36^{\circ} 30'$ , and that, in emigrating westward, they would never go north of that line with their property.

And how much of this slave territory, in which slavery then existed by law, do you think was thus surrendered by the South to the demands of northern fanaticism? Look at the map again, and you will see that it embraces 750,000 square miles of territory—enough to make thirteen States, each one of which would be larger than Illinois. This is another of the "aggressions of the slave power."

When Oregon and Washington Territories were opened up to settlement, and California, Utah, and New Mexico were acquired, the South came forward and asked that the compromise line of  $36^{\circ} 30'$  should be extended to the Pacific. This was done, and again. And the South then asked, not to reinstate the old laws establishing slavery, but to go back to the principles of the constitution, as up the geographical line which was unknown to that instrument, and to place the people of every portion of the country upon a perfect equality in the settlement of the Territories. This, and this alone, is what was done by the Kansas-Nebraska bill, which has raised such a howl throughout the country.

When the constitution was formed, the States were twelve slave and one free. Now they are sixteen, free to fifteen slave; and the free States now have a majority in both branches of Congress. And notwithstanding the vast slave territories which, as I have shown, have been surrendered by the South to freedom, not one foot of free soil has

ever, on any occasion, been given up to slavery; and, from the adoption of the federal constitution to the present time, there has not even been a bill offered in Congress asking for the extension of slavery, by act of Congress, into free territory. This is a true history of this terrible "aggression of the slave power," to resist which you and I are asked to engage in this unholy crusade.

If we are really tired of the Union, and are determined to dissolve this great partnership, let us, in common honesty, give back what we have gained thereby—let us of the Northwest give back to old Virginia that great country in which we have built our homes, and where we expect our bones to rest—let us give back that vast territory stretching from the Missouri compromise line to the British possessions on the north—let us no longer claim a part in the glory shed upon our common country by the great names and noble achievements of Henry, Washington, Jefferson, Madison, Jackson, Clay, Calhoun, Mason, or Sumpter, or claim a right to visit their consecrated graves as countrymen of ours—let us, as far as possible, place ourselves in the position in which we would now be if this confederacy had never been formed, and we would soon see who has gained most by this "blood-stained Union."

#### "SLAVE INSTITUTIONS."

I am, of course, no slave propagandist. I love the free homes, free men, and free institutions of my own native State. God knows, I would like to see the whole human race so elevated in intellect and morals as to be capable of establishing and maintaining freedom and free government; but, in the present condition of the world, this is impossible. The white man is infinitely above the black, intellectually and morally; and yet the Anglo-Saxon is the only portion of the white race that has proved himself capable of establishing and maintaining freedom. Others have often boldly struck for and secured a momentary liberty, but they have been compelled almost immediately to resort to despotism to escape the horrors of anarchy. The African is by far the lowest type of the human race. In a state of independence, in his own home, he has always been a heathen and a barbarian. In the long line of ages from the creation to the present time, he has not advanced one step towards rational government, civilization, or Christianity; it is only in a state of servitude that he has been christianized and humanized. I, of course, speak of the prominent fact, and not of particular exceptions. Notwithstanding the noble sacrifices and great expenditures of money in the missionary cause, there is not one Bible to-day within the interior of Africa, while four hundred thousand of her children in America have been brought to the knowledge and embraced the glorious hopes of Christianity. The African race has been benefited, and not injured, by the institution of slavery.

I will not undertake to inquire why this is so. I cannot tell why one man is created inferior in intellect to another, or why sin, and misery, and death were permitted to enter this beautiful world of ours. "The ways of the Almighty are inscrutable, and past finding out." He per-

mitted his own chosen people to remain four hundred years in bondage; and he has stamped inferiority, in plain and indelible characters, upon the child of Africa. It is the decree of Heaven, and is irrepealable by man. Why should we engage in an unholy crusade after that which it is impossible to attain? Why should we madly leap in the very face of Heaven? Shall we dash to the ground the cup of happiness presented to us, because God has not created us all as perfect as the angels around his throne? If we could to-morrow strike the bonds from every slave in the South, we would inflict, even upon them, an incomparable injury; and the consequences would be dreadful to our own race. The accustomed restraints being suddenly removed, the negro would immediately degenerate into crime and barbarism. He would fill our prisons and our poor-houses; he would be a curse to us and himself. If slavery is, indeed, a sin, the freemen of Illinois are in no way whatever responsible for it. Why should we, then, sacrifice the liberty and happiness of our own race, and the best government on earth, to secure the freedom of a people who could not maintain it? Why try to anticipate Heaven? When the African is fit for freedom, and deserves it, God will raise up a Moses to conduct them to their land of Canaan. He will come, in his own good time, with "a cloud by day and a pillar of fire by night," to lead them from bondage. I, at all events, am willing to leave the solution of this great problem in the hands of the Almighty, and would much rather trust Him for its settlement than all the disunion-Abolitionists in the land.

#### DISUNION—WHAT IS IT?

The time was when patriots with great propriety refused to calculate the value of the Union. Now a consideration of it is forced upon us. Under its benign influences, our growth and prosperity have been extraordinary and unparalleled. "Every year of its duration has teemed with fresh proof of its utility, and its blessings;" and with its prospects in the future are all that the heart of man can desire. But no patriot, who has read the history of the past, can look the prospect of disunion in the face without a shudder of soul-sickening horror. Those who believe that these States can separate peacefully and without bloodshed and civil war, have given very little consideration to the history of our race. If we separate, it will be because feelings of hatred have been engendered which are inconsistent with a state of peace. If we cannot keep the peace under the high and holy sanctions of the bonds made for us by our revolutionary fathers, what hope is there for us when those bonds are broken up and destroyed? And what will be the result of that war into which we must be precipitated? The history of the past teaches us many important lessons on this point; but I will here refer to but one. The people of the German States, two and a half centuries ago, were living in peace and prosperity under a confederated government similar to, but not so perfect as ours. They had no slave institutions upon which demagogues could base their agitation to destroy the harmony that existed; but bigotry supplied its place. Instead of

inspiring religion and politics separate and distinct, and leaving every man to worship his God according to the dictates of his own conscience, they drew the sword, and engaged in one of the longest and bloodiest wars of which we have any record, to determine whether the Catholic or the Protestant religion should be in the ascendant. Father against son, and son against father; brother in deadly conflict with brother, on an issue which God alone can be thought to determine; this unhappy people engaged in wholesale butchery for the period of thirty long years. They fought until the waters of their mighty rivers were crimsoned with their blood. They fought until one whole generation was swept from the face of the earth; and still their children were found marching to the fields of carnage. In their madness and insanity they even fought on after they had forgotten the original cause of war; and Catholic and Protestant were at last found, side by side, fighting against Catholic and Protestant. They fought until even the genius of desolation sickened at the sight, and wept over the barren hills and depopulated plains of a once happy land. Religion and education were abandoned and forgotten, and "this proud nation was changed into a miserable rabble." Two-thirds of the entire nation perished in this war. "In Saxony alone, 900,000 men were destroyed within two years." "All the devils of political treachery, of religious fanaticism, of the rapacity of aspiring adventurers, and of the brutality of the soldiery, were let loose on the people. Driven from hearth and home, in eternal terror of the soldiers, and without instruction, what could be expected from the growing generation, but sordid cowardice and the shameless immorality which they had learned from the army? Even the last remains of political freedom perished in the war, since all classes were plundered, and their strength exhausted. The early civilization of Germany had retrograded into barbarism." Famines raged in all its horrid forms. Children were devoured by parents, and parents by children. Women engaged in mortal conflict with each other to secure the starving infant for a meal. Many tore up bodies from their graves, or sought the pits where horse-killers threw their carcasses, for the carrion. All the resources of the country were so completely exhausted, that even the wild beasts of the forests, deprived of their accustomed food, were found lying about exhausted and dying. Germany, even to this day, has not fully recovered from the effects of that dreadful war.

Such is a picture of the scenes into which mad fanaticism would drive us. Such the feast for which we are invited to abandon our present happy condition. What guarantee or hope have we that the civil war into which these traitors would drive us will be less bloody, or less devastating, than that of Germany? If the descendants of the puritan and the descendant's of the cavalier in our country ever draw the sword on each other, and throw away the scabbard, the bloodiest page of history is yet to be recorded. Neither is formed for subjection, and one can be the conqueror only when the other is exterminated. I feel confident, my friends, that you at least will take no part in hastening this catastrophe.

The only hope of the country now is in the success of the Democratic party. That party is of no mushroom growth. It was born with the constitution; came into power at the birth of the present century; and has conducted our people to unexampled prosperity. It has weathered many a storm, and now occupies a prouder position than in any previous portion of its history. It has sloughed off the political lepers that have been hanging upon it, and has been invigorated by the best blood of the old Whig party. The constitution has been assailed, and our party has determined to live or die in defence of that work of our fathers. Notwithstanding defection and desertion, it has held out no hand of welcome either to fanaticism or religious bigotry; but presents a bold and defiant front to both. It is now confessedly the party of the constitution and the Union, and, as such, nearly every one of the National Whigs in the present Congress have buried their prejudices and enlisted under its banners. Toombs and Stephens of Georgia, Benjamin of Louisiana, Jones and Watkins of Tennessee, Caruthers and Oliver of Missouri, Clingman of North Carolina, Pratt, Bowie, and Pearce of Maryland, Talbot of Kentucky, and hosts of other National Whigs throughout the country, are now bravely doing battle for the constitution under the Democratic flag. Some who cherish national sentiments, I know, will be disposed to ask why not support Mr. Fillmore? I cannot now enter into a discussion of the merits of the fragment of a party which has nominated and presented him to the country, or of his own political record. I am willing to concede that, for patriotism and statesmanship as between himself and Fremont, there is no comparison that could do Mr. Fillmore more than justice. It would be easy to prove that his election, if it were possible, although it might postpone, would not crush out the treason that threatens us. But this discussion is unnecessary. The election of Fillmore now is not only improbable, but it is an utter impossibility. Those who assert the contrary, either have paid no attention to the political movements of the day, or are trying wilfully to deceive you. *The contest is between the Black Republican and the Democratic parties, and every national man who in this contest casts his vote for Fillmore, is, to say the least, trifling with the most important trust ever reposed in the hands of man.*

#### THE CANDIDATES OF THE DEMOCRATIC PARTY.

In this important crisis, our party has come up to the expectations of the country, in the selection of the best men and ablest statesmen as our candidates. We have left no excuse to any man to dodge the issue. James Buchanan, Pennsylvania's favorite son, if not the first, confessedly ranks among the first of the statesmen of the age. Many years ago, when there were intellectual giants in the United States Senate, he stood among them the peer of the ablest. With a capacious intellect, and a noble, generous heart; with forty years' experience in

the highest branches of the public service; with perfect familiarity with the practical workings of every department of the government; with a public and private character without stain or reproach; no better man for the times could possibly have been selected for the high office for which his name is presented. His companion on the ticket is one for whom the whole nation cherishes the highest hopes. His gallant bearing and lofty genius have, more than that of any living man, reminded the country of the early achievements of Kentucky's former idol. Our State convention has been equally careful and fortunate, in presenting as candidates our very best men. For governor, they have called home from the national councils one of whom every Illinoisan should feel proud—one whose patriotism and whose heart, not confined by sectional lines, are large enough to embrace his whole country. A gallant soldier, an able and experienced statesman, a truly national man, there is not a hamlet in the whole nation—except where sectional fanaticism has warped the judgment and corroded the heart—where the name of William A. Richardson is not mentioned with applause. Of his companions on the ticket, it is sufficient to say that they are worthy of the position they occupy by his side. That our candidates will be misrepresented, and slandered, and traduced, is to be expected. But this is no more than happened to Washington and Jefferson, and Madison and Jackson. They proved proof against the assaults of the malignant partisan, and so will our candidates. With such vital issues, and such standard-bearers, no man can mistake the path of duty.

#### WOLVES IN SHEEPS' CLOTHING.

It will be our duty, in this crisis, to exercise more than our accustomed energy and vigilance. We will have the enemy to combat in every possible form. Chameleon-like, he changes his color to suit every shade of opinion; and, with treason in his heart, professes the loftiest patriotism. There are among us men who still profess to adhere to the democratic party, and yet are doing everything in their power to defame its principles and organization, and to blacken the names of its noblest patriots—papers, with the names of our standard-bearers at their heads, whose columns are filled, day after day, with the vilest slanders and most unblushing falsehoods against our candidates and our party; vipers, whom you have warmed into life, and fed and fattened by your liberality, now, in the hour of danger, would turn upon you and sting you to death. With less boldness and manhood than their brothers, the Tories of the Revolution, they do not go boldly over to the enemy, but, as spies and traitors, hang around our camp, and stab us in the hour of security. Judas-like, they embrace us, only that they may, with the more certainty, betray us into the hands of the enemy. Such conduct is too low for contempt. It is the very depth of degradation and infamy. There is no perfidy that such creatures would not stoop to, to accomplish their bellish purposes. They should be promptly met with the scorn and detestation of every honorable mind.

Fellow-citizens, in this communication I have spoken plainly. I would not willingly give offence to any upright citizen who may differ with me in regard to the issues before the country; but this is no time for honeyed words, or doubtful phrases. I am under the highest obligations to you, and I regret that I have not more ability, by valuable services, to repay your generous confidence. I should be unworthy of that confidence, unworthy of the trust you have reposed in me, if I should hesitate to speak out frankly upon these grave issues, for fear of offending some of you.

I have now, in this respect, in an humble way discharged my duty. Will you, laying aside all former party prejudices and differences, go to the polls and discharge yours? There should be no divided vote in the ninth congressional district. I know you all love this free and happy country of ours. Let us all, then, go to the polls, and, with one unanimous voice, give a rebuke to this treason and fanaticism that may be heard throughout the whole country, and attract the attention of the world. Our government cannot live under this continued agitation. It is not enough that we defeat these traitors—we *must crush them out, and destroy their hopes forever*, if we would save our country.

In conclusion, fellow-citizens, I invoke you, by the memories of the past; by the bright hopes of the future; by the sacrifices that were made, and the blood that was spilt during our revolutionary struggle; by the holy claims of oppressed nations, and of unborn generations; by the love we all bear to our common country, to go to the polls, one and all, and discharge your whole duty. Let no consideration keep you away; and let your rallying-cry be: "THE CONSTITUTION AND THE UNION—they must, and shall be preserved."

Your obedient servant,

S. C. MARSHALL

WASHINGTON CITY, August 4, 1856.

THE

IMMIGRATION INTO THE UNITED STATES OF AMERICA,

FROM

A STATISTICAL AND NATIONAL-ECONOMICAL POINT OF VIEW.

BY

LOUIS SCHADE, OF WASHINGTON, D. C.

WASHINGTON:  
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1856.

## IMMIGRATION INTO THE UNITED STATES.

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The subject of the immigration of foreigners into the United States has become one of the gravest questions of the day. To show the importance of that immigration, from a statistical and national-economical point of view, is what is intended by this work.

Emigration is as old as mankind. The first history of men is nothing but a narration of events which befell individuals or whole nations whilst migrating from one country to another, pictured by single deeds of gallantry or depravity of prominent men. In general, emigration has always flowed from east to west. The ancient Greeks established colonies in almost every section of the coast of the Mediterranean and Black seas. Among them only freemen, but no slaves were permitted to emigrate. Greek arts and science, especially on the Asiatic shore, flourished in the midst of barbarians for centuries. Homer himself was born in one of these colonies. The same was the case with the Phoenicians and Carthaginians. The Romans conquered, but did not colonize in the same sense. The great migrations of nations at the end of the Roman empire, 376 after Christ, were nothing but warlike expeditions, incited by victories of others, and the imbecility, effeminacy, and consequent weakness, of the western European nations. Of the mediæval age, the expeditions of the Normans, the Crusades, the settlements of the Teutonic and other orders in Prussia and Livonia, were half expeditions for adventures, half colonizations—a desire of actions, which, especially after the discovery of the route around the Cape of Good Hope to the East Indies, and, a few years later, of America, we meet with in southern Europe; however, the greater part of the southerners returned to Europe, after having made a fortune, or having otherwise been either successful or disappointed in their expectations, and therefore it was more speculation than emigration in our sense. After the Reformation, religious persecutions drove a good many persons from their homes. But emigration in the American sense was unknown to the ancient and middle ages. The emigrants to this country came not as conquerors fighting for their native sovereign, or to increase, by their labor, his finances and revenues, but for the purpose of founding a new home, a new fatherland. They came to the land of their choice as freemen, with the expectation to die also as such.

In the catalogue of “injuries and usurpations” on which the immortal signers of the Declaration of Independence based their resolution to defy the power of the king of Great Britain, the following stands conspicuous:

“He has endeavored to prevent the population of these States; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.”

These, amongst others, were enumerated as evidences of a direct object on the part of the British king to establish "an absolute tyranny over these States." The founders of our republic, therefore, favored immigration, and to that end denounced the obstructions to naturalization, and the refusal to "encourage migration hither" by George the Third, as acts of tyranny. The illustrious patriots who framed the constitution introduced into it a clause empowering Congress to adopt a "uniform rule of naturalization." The first Congress which assembled under the constitution, composed in a great degree of the same sages and statesmen who had signed the Declaration of Independence and framed the constitution, enacted a law by which any free white alien, who had resided two years within the United States, might become a citizen. This law was passed in March, 1790. In January, 1795, the term of residence, prior to admission as a citizen, was increased to five years. Such was the legislation during President Washington's two terms. In June, 1798, after John Adams became President, and when federalism held sway in the government, the term of residence, prior to admission to citizenship, was increased to fourteen years. It so continued until April, 1802, when, Mr. Jefferson being President, and democracy in the ascendant, the term was reduced to the Washington standard of five years, and so it has remained down to the present day.

It is now proposed by the modern order of patriots, who delight in the name of know-nothings, to prevent the further immigration of foreigners by repealing the naturalization laws entirely, if that is found practicable, and, if not, to obstruct it as much as possible by extending the term of residence to twenty-one years. Their first proposition is substantially the policy of the king of Great Britain, which the signers of the Declaration denounced to the world as tyrannical; their alternative proposition is substantially the policy of the federalists of 1795, except that it is worse by just one-half. The democrats stand upon the platform first erected under Washington, and re-established under Jefferson, for carrying into practical effect the policy proclaimed by the signers of the Declaration of Independence.

I propose now to vindicate the wisdom and patriotism of the fathers of the republic against the reckless and factious attacks of the modern federal advocates of the policy of king George the Third. Upon the principle which these model patriots now promulgate, they would have been on the side of the British king in 1776, and in 1798 they would have passed as acceptable federalists. *If immigration is wrong now, it was wrong then; if obstructions to naturalization are right now, they were right then.*

We are not without reliable data on which to determine whether know-nothings are wiser and more patriotic than Washington, Jefferson, Madison, and the host of sages and statesmen who have concurred with them, in encouraging immigration and facilitating naturalization. We have the fruits of their policy, and by that standard we will judge of its wisdom. With the exception of four years, the democratic policy, as to immigration and naturalization, has been in force from the beginning of the government to the present time. We commenced with thirteen States and a free population of less than three millions and a

half. We have now thirty-one States, with a free population of more than twenty millions. Population and territory are prominent elements in national strength, prosperity, and greatness. Our revenues have increased from a few millions to more than fifty annually. Immense empires of new territory have been acquired and paid for, and now furnish homes and happiness to millions of enterprising and productive citizens. Our progress, in all that gives power and greatness to a nation, has filled the world with wonder and admiration, whilst it has filled our own people with a spirit of national pride which they have abundant cause to indulge. All this, and manyfold more, will be readily conceded even by our know-nothing patriots; but, in their simplicity, they will ask, what has our amazing progress, in all the elements of national prosperity and grandeur, to do with the policy of immigration and naturalization? We will endeavor to enlighten them by the irresistible logic of facts and figures.

If the know-nothings had controlled the government in 1789, when the constitution went into operation, instead of encouraging immigration and enacting liberal naturalization laws, their policy would have been a total exclusion of all foreigners. They would have acted upon the doctrine which they now advocate, "Americans must rule America;" and to that end no foreigner would have been allowed a resting place within the limits of the Old Thirteen. Let us see how that policy would have worked.

In 1790 the population of the United States, including whites and free colored persons, was 3,231,930. If all increase from immigration had been cut off, in pursuance of the know-nothing doctrine, the surplus of births over deaths would have constituted the only growth in our population. A very interesting problem then presents itself. Upon the know-nothing policy, if adopted in 1790, what would be the present population of the United States? Fortunately, the census table furnishes us with the data for solving this proposition, and of illustrating the wonderful wisdom of the know-nothing policy. If we take the census returns for 1850, we find the number of births to be 548,835, and the number of deaths 271,890—confining ourselves to the white and free colored population. The difference, being 276,945, was the increase of population for 1850 from excess of births over deaths. The whole population in 1850, of whites and free-colored persons, was, 19,987,573. The increase, therefore, from the excess of births over deaths, was one and thirty-eight hundredths per cent. We take 1850 as an example to ascertain the per-centage of increase from the only source of growth in our population which the know-nothing policy recognises wise and patriotic. As the know-nothings are using the United States Census Report as far as it favors their purpose, but repudiate it as false as soon as, in accordance with veracity, it speaks in favor of the immigrants; and to show that the per-centage furnished by the returns of 1850 is reliable, I furnish a table carefully made out, showing the per-centage in a number of countries from which I have official statistical returns. The table is as follows:

TABLE No. 1.—*Showing the increase of population by the surplus of births over deaths.*

Year.	Name of the country.	Number of inhabitants.	Number of births in the respective year.	Numb. of deaths in the respective year.	Per cent. of increase of the total population.
1850	United States .....	19,987,573*	548,835*	271,890*	1.38*
1850	England and Wales.....	17,927,609	593,423	368,986	1.25
1851	France .....	35,783,170	943,081	784,433	0.44
1835	Russia .....	59,000,000	2,173,553	1,731,834	0.74
1849	Prussia .....	16,331,187	691,562	498,863	1.17
1850	Holland.....	3,056,591	105,338	87,588	1.23
1850	Belgium.....	4,426,203	120,107	92,830	0.61
1849	Portugal.....	3,473,758	114,331	88,992	0.72
1852	Saxony.....	1,987,833	60,322	58,739	1.08

\*The United States Census of 1850 gives the births and deaths of the white and free colored population in one column, without any separation; therefore, it has become necessary to include the free colored population in all other tables hereafter given. As to the slave population the writer sees, for his purpose, no necessity to mention any thing of it at all, as it has no connexion whatever with the immigration.

As would be expected, it is seen that the excess of births over deaths in the United States is larger than in any other country; and hence I have no hesitation in adopting the per-centage of annual increase of one and thirty-eight hundredths as reliable. This furnishes us a rule to solve the problem before stated. The population in 1790 was 3,231,930. Excluding all immigration, the increase of population each year would be at the rate of 1.38 per cent. This increase added each year to the aggregate of the preceding year, down to 1850, will give us the population of the United States in 1850 as it would have been upon the know-nothing policy of excluding all immigration. In the following table will be also shown what our population in 1850 would have amounted to if immigration had been stopped in 1800, 1810, 1820, 1830, or 1840, taking the actual population of those years as starting point. The calculation is a long and tedious one, but the result is mathematically certain. It is this: The population in 1790 being 3,231,930, and being increased alone by the surplus of births over deaths, would in 1850 amount to 7,555,423 whites and free colored persons, including 200,000 for Louisiana, Florida, California and those territories which were acquired since 1790. But upon turning to the actual returns of the census of 1850, we find the number of whites and free colored persons to be 19,987,573. It appears, then, that if the know-nothing policy had been adopted in 1790, our present population would be 7,555,423, instead of its actual number of 19,987,573—a difference in population between the know-nothing and the democratic policy of 12,432,150.

TABLE No. 2.—*Showing the increase of the white and free colored population of the United States, if without immigration since the respective years 1790 to 1840, after the ratio of increase in 1850:*

Year.	Annual increase of the white and free color'd population if without immigration since 1790.	Annual surplus of births.	Annual increase of the white and free color'd population if without immigration since 1800.	Annual surplus of births.
1793.....	3,231,930	.....	.....	.....
1791.....	3,276,539	44,600	.....	.....
1793.....	3,321,746	45,216	.....	.....
1793.....	3,367,566	45,840	.....	.....
1794.....	3,414,058	46,472	.....	.....
1795.....	3,461,172	47,114	.....	.....
1795.....	3,508,836	47,761	.....	.....

TABLE No. 2—Continued.

YEAR.	Annual increase of the white and free color'd population if without immi- gration since 1790.	Annual surplus of births.	Annual increase of the white and free color'd population if without immi- gration since 1800.	Annual surplus of births.
1797	3,557,359	48,423		
1798	3,606,450	49,091		
1799	3,656,219	49,769		
1800	3,706,674	50,455	4,412,884	
1801	3,757,825	51,152	4,473,781	60,837
1802	3,809,684	51,858	4,535,519	61,738
1803	3,862,257	52,573	4,598,109	62,590
1804	3,915,556	53,299	4,661,562	63,453
1805	3,969,590	54,034	4,725,991	64,329
1806	4,024,358	54,768	4,791,209	65,216
1807	4,079,895	55,537	4,857,327	66,118
1808	4,136,197	56,302	4,924,358	67,031
1809	4,193,276	57,079	4,992,314	67,958
1810	4,251,143	57,867	5,061,207	68,893
1811	4,309,808	58,665	5,131,051	69,844
1812	4,369,223	59,475	5,201,859	70,808
1813	4,429,579	60,296	5,273,644	71,785
1814	4,490,707	61,128	5,346,409	72,765
1815	4,552,678	61,971	5,420,169	73,760
1816	4,615,504	62,826	5,494,990	74,801
1817	4,679,197	63,693	5,570,820	75,830
1818	4,743,769	64,572	5,647,697	76,877
1819	4,809,233	65,464	5,724,733	77,936
1820	4,875,600	66,367	5,803,734	79,001
1821	4,942,863	67,283	5,883,825	80,091
1822	5,011,094	68,211	5,965,021	81,196
1823	5,080,247	69,153	6,047,338	82,317
1824	5,150,354	70,107	6,130,791	83,453
1825	5,221,428	71,074	6,215,295	84,504
1826	5,293,473	72,055	6,301,066	85,771
1827	5,366,522	73,049	6,388,020	86,954
1828	5,440,580	74,058	6,476,174	88,154
1829	5,515,659	75,079	6,565,545	89,371
1830	5,591,775	76,116	6,656,149	90,604
1831	5,668,941	77,168	6,748,003	91,854
1832	5,747,172	78,231	6,841,125	93,122
1833	5,826,482	79,310	6,935,532	94,407
1834	5,906,887	80,405	7,031,242	95,710
1835	5,988,402	81,515	7,128,273	97,031
1836	6,071,041	82,639	7,226,643	98,370
1837	6,154,821	83,780	7,326,470	99,727
1838	6,239,757	84,936	7,427,556	101,106
1839	6,325,865	86,108	7,530,076	102,500
1840	6,413,161	87,296	7,634,291	103,915
1841	6,501,662	88,501	7,739,340	105,349
1842	6,591,394	89,723	7,846,142	106,802
1843	6,682,345	90,961	7,954,418	108,276
1844	6,774,561	92,216	8,064,186	109,776
1845	6,868,049	93,488	8,175,473	111,285
1846	6,962,828	94,779	8,288,294	112,821
1847	7,059,115	96,287	8,402,672	114,378
1848	7,156,530	97,415	8,518,622	115,956
1849	7,255,300	98,770	8,636,185	117,557
1850	7,355,423	100,123	8,755,354	119,179

TABLE No. 2—Continued.

YEAR.	Annual increase of the white and free color'd population if without immi- gration since 1810.	Annual surplus of births.	Annual increase of the white and free color'd population if without immi- gration since 1820.	Annual surplus of births.
1810	6,048,450			
1811	6,131,918	83,468		
1812	6,216,539	84,620		
1813	6,302,322	85,768		
1814	6,389,298	86,972		
1815	6,477,470	88,172		
1816	6,566,859	89,383		
1817	6,657,481	90,622		
1818	6,749,354	91,873		
1819	6,842,495	93,141		
1820	6,936,921	94,426	8,100,693	
1821	7,032,650	95,729	8,211,874	111,781
1822	7,129,700	97,050	8,325,197	113,324

TABLE No. 2—Continued.

Year.	Annual increase of the white and free color'd population if without immigration since 1810.	Annual surplus of births.	Annual increase of the white and free color'd population if without immigration since 1820.	Annual surplus of births.
1807.....	7,533,089	93,369	8,440,184	114,587
1811.....	7,337,836	99,747	8,556,658	116,474
1815.....	7,423,080	101,124	8,674,739	118,081
1819.....	7,531,479	102,519	8,794,449	119,711
1823.....	7,635,413	103,934	8,915,892	121,353
1827.....	7,740,781	105,368	9,038,840	123,038
1831.....	7,847,603	106,823	9,163,575	124,735
1835.....	7,955,899	108,298	9,290,032	126,457
1839.....	8,065,691	109,792	9,418,244	128,202
1843.....	8,176,997	111,306	9,548,205	129,971
1847.....	8,404,233	114,399	9,678,970	130,765
1851.....	8,520,216	115,978	9,812,539	132,569
1855.....	8,637,784	117,578	9,947,952	135,412
1859.....	8,756,995	119,091	10,085,233	137,291
1863.....	8,977,841	120,846	10,224,409	139,176
1867.....	9,090,355	122,514	10,365,505	141,095
1871.....	9,124,559	124,204	10,508,548	142,042
1875.....	9,250,477	125,918	10,652,565	145,017
1879.....	9,378,133	127,656	10,800,584	147,019
1883.....	9,507,551	129,418	10,949,632	149,048
1887.....	9,638,755	131,204	11,100,737	151,104
1891.....	9,771,769	133,014	11,253,917	153,190
1895.....	9,906,619	134,850	11,409,221	155,204
1899.....	10,042,339	136,711	11,566,668	157,447
1877.....	10,182,927	138,597	11,726,258	159,620
1878.....	10,324,451	140,524	11,888,110	161,822
1879.....	10,465,914	142,463	12,052,165	164,055
1880.....	10,610,343	144,429	12,218,484	166,319

TABLE No. 2—Continued.

Year.	Annual increase of the white and free color'd population if without immigration since 1830.	Annual surplus of births.	Annual increase of the white and free color'd population if without immigration since 1840.	Annual surplus of births.
1830.....	10,856,977	.....	.....	.....
1831.....	11,005,803	149,823	.....	.....
1832.....	11,158,696	151,893	.....	.....
1833.....	11,312,686	153,990	.....	.....
1834.....	11,468,801	156,115	.....	.....
1835.....	11,627,070	158,269	.....	.....
1836.....	11,787,523	160,453	.....	.....
1837.....	11,950,190	162,667	.....	.....
1838.....	12,115,102	164,912	.....	.....
1839.....	12,282,290	167,188	.....	.....
1840.....	12,451,785	169,495	14,581,996	.....
1841.....	12,624,619	171,834	14,783,219	201,231
1842.....	12,797,824	174,205	14,985,237	202,008
1843.....	12,974,333	176,500	15,192,033	206,796
1844.....	13,153,378	179,045	15,401,683	209,650
1845.....	13,334,874	181,496	15,614,225	212,543
1846.....	13,518,995	184,021	15,829,702	216,476
1847.....	13,705,455	186,590	16,048,151	218,449
1848.....	13,894,590	189,135	16,269,615	221,454
1849.....	14,086,345	191,745	16,494,135	224,520
1850.....	14,280,726	194,391	16,721,674	227,539

To these are to be added the results for Louisiana, (1803); Florida, (1821); California, New Mexico, Texas, and Oregon. Louisiana had in 1803, 77,000 inhabitants, of which 53,000 were slaves. Florida, in 1821, had about 10 000. California and New Mexico, at the time of their acquisition, had about 60,000. Texas and Oregon only brought back into the Union citizens who had emigrated thither but a short time before. If we put them down in 1850, after the above scale, with 200,000 white and free colored persons, the writer thinks he has done them more than ample justice.

TABLE No. 3.—Recapitulation.

The United States would have in 1850—		Total white and free colored population.
Without immigration since 1790 .....	7,355,423	
Addition for Louisiana, Florida, &c.....	200,000	
		7,555,423
Without immigration since 1800 .....	8,755,304	
Addition for Louisiana, Florida, &c.....	200,000	
		8,955,304
Without immigration since 1810 .....	10,610,313	
Addition for Florida, &c.....	100,000	
		10,710,313
Without immigration since 1820 .....	12,918,484	
Addition for Florida, &c.....	100,000	
		12,918,484
Without immigration since 1830 .....	14,280,726	
Addition for New Mexico and California.....	50,000	
		14,330,726
Without immigration since 1840 .....	16,721,074	
Addition for New Mexico and California.....	50,000	
		16,771,074
They had actually, however.....		19,987,573

This will be to many an astonishing result; but I am well assured of the correctness of this statement.\*

As I have shown above that the mean (1.38 per cent.) by which I have made up these tables corresponds well with that of other countries, I will also compare the result. It will be found that no European country has *actually* increased in the same period so much as the United States would have, if, instead of a population of 19,987,573, they had in 1850 only 7,555,423. The figures in the following table are taken from official returns.

TABLE No. 4.—Increase of various European nations since the last decennium of the 18th century.

England and Wales.....	in 1790.....	8,675,000	Increase .. = 2.06
Do.....do.....	in 1851.....	17,922,768	
Austria.....	in 1792.....	23,500,000	do..... = 1.55
Do.....	in 1851.....	36,514,468	
France.....	in 1789.....	26,000,000	do..... = 1.37
Do.....	in 1851.....	35,783,170	
Prussia.....	in 1797.....	8,680,000	do..... = 1.88
Do.....	in 1849.....	16,331,187	
Spain.....	in 1797.....	10,351,075	do..... = 1.33
Do.....	in 1849.....	14,216,219	
Sweden.....	in 1790.....	2,150,493	do..... = 1.54
Do.....	in 1849.....	3,316,535	
Sardinia, (Island).....	in 1790.....	456,990	do..... = 1.19
Do.....do.....	in 1848.....	547,946	
United States*.....	in 1790.....	3,231,930	do..... = 2.33
Without immigration since 1790.....	in 1850.....	7,555,423	

\* White and free colored.

This table clearly proves the above estimate of the population of the United States, without immigration since 1790, to be not only a correct one, but even exhibiting a higher increase than any other country. England, the highest among them, is still, with one year more increase, twenty-seven on the hundred behind the United States. Some persons may think doubtful that the actual increase of England and Wales is so close to that of the United States, as there has been every year a

\*An abstract of these statistics I published in a small pamphlet last June. The principal papers of the United States took notice of it, and commented, with one insignificant exception, as far as I know, very highly on it. Of statistical authorities, De Bow's Review published it in September, Hunt's Merchants' Magazine in December; in which latter month it was also read before the American Geographical and Statistical Society of New York. I have constantly been on the alert to hear that its correctness and reliability was attacked, the more, as I took the liberty to beg the statisticians of this country to honor it with a thorough examination; but till now, at least to my knowledge, there has been no such attack.

large emigration. But it must be remembered that England has had in return a considerable immigration from Ireland, Scotland, and even from the continent of Europe, invited by the enormous rise of her manufactures and commerce. England is not only a very healthy country, but also inhabited by a healthy people. Besides, it is a known fact that the population of manufacturing districts increases more than that where agriculture is the principal branch of occupation.

But there is another point of great importance, and in favor of my problem. The people of the United States, left without immigration, would not have increased 1.38 per cent. every year. Proof hereof is found in Massachusetts. This State had, in 1850, 830,066 native and 164,448 foreign born inhabitants, or *one* foreigner to *five* natives. The marriages were, during the years 1849 to 1851, Americans 18,286, or 220 in 10,000 of their own race; foreigners 7,440, or 450 in 10,000. This is 104.5 per cent. of foreign over native ratio. The births were in Massachusetts in the three years 1849, '50, and '51, of American parents 47,982, or 578 in 10,000 of their own race; foreign 24,523, or 1,491 in 10,000 of their own race. In Boston there were, American 7,278, or 966 in 10,000; foreign 13,032, or 2,053 in 10,000 of their own race. Of the 32,000 born in Massachusetts in 1854, 16,470 were of American parentage, while some 14,000 were of parents one or both foreigners; and the increase from foreign parents was more than twice what it was from native parents. At the same rate shortly we shall have more children born in Massachusetts from foreigners than from natives; for in five years the American births have not increased 1,000, while the foreign have increased more than 5,000. In Suffolk county already the births in foreign families are more than twice as numerous as in American, being 3,735 in the former, and 1,737 in the latter. Of the parents of Boston children, in 1854, the largest number was from Ireland, 2,824 fathers and 2,957 mothers, while there were but 410 fathers and 524 mothers natives of the city, and 533 fathers and 475 mothers natives of Massachusetts, out of Boston, or of other States. Cambridge had born of foreign parents 422 children to 208 Americans; Fall River, 223 to 88; Lawrence, 322 to 146; Lowell, 596 to 427; Roxbury, 363 to 168; Salem, 344 to 120; Taunton, 221 to 142; and Worcester, 421 foreign to 320 American. The foreigners in Massachusetts are chiefly of Celtic origin. In twenty years from the present time, one-half of the young men and women in the State will be of direct Celtic descendancy, and there is no doubt that they also will brag and boast of their Pilgrim fathers, their revolutionary ancestry, and especially of their Anglo-Saxon blood in their Celtic veins. And why should not they? They will have the same right to do so as is possessed by at least two-thirds of our know-nothings. As the traces of a negro descendancy disappear already in the third or fourth generation, I should think that in Massachusetts the Pilgrim and revolutionary blood, if it is not already so, must, in very short time, become at least very thin.

The cause of the large increase of foreign births is simply that, whilst of the native population in 1850 there were only 49.07 per cent. over the 15th year of age, the average amount of foreigners, of the same age, who arrived in 1854 and 1856, was 77.63 per cent.

Number of white inhabitants of the United States in 1850 under 15 years.....	8,032,715 =	40.93 pr. cent.
Do.....do.....do.....do.....over 15 years.....	11,550,833 =	59.07 "
	19,583,548 =	100.00 "
Number of immigrants in 1854 under 15 years.....	103,013 =	21.72 "
Do.....do.....do.....do.....over 15 years.....	359,451 =	78.28 "
	462,474 =	100.00 "
Number of immigrants in 1855 under 15 years.....	53,045 =	23.02 "
Do.....do.....do.....do.....over 15 years.....	177,431 =	76.98 "
	230,476 =	100.00 "

Suppose that there are now five millions of foreigners in this country, they will, from this cause, produce just as much, and increase in the same degree, as 3,610,169 natives. Before the mortality tables of the United States were published, statisticians and political writers usually believed that the foreign born died in a greater proportion than the natives. But I always doubted it from the reason that over one-half of the deaths occurs under the age of twenty. Of the foreigners living in this country, however, only one-fourth is below that age, and especially the children are wanting, amongst which the mortality is always proportionally the greatest. The census has shown that I was not in error. According to a statement therein contained, the per-centage of native deaths, excluding slaves, was 1,494, whilst that of the foreign was only 1,469. I take only the aggregate ratio of the total number of deaths in the United States, without going into details, as I do not believe in its correctness, being convinced that the ratio is too high in favor of the natives and against the foreigners. According to this mortality report, there died in New York, one out of 32 foreigners; in Massachusetts, one of every 60; in New Jersey, one of every 110; and in Maryland, one of every 116. These discrepancies are too great to bear any similarity to truth. But it matters nothing for my purpose, as it yet shows that, contrary to former supposition, the foreigners have at most the same and not a greater ratio of deaths than the native population.

According to the above calculation the immigrants and their descendants number in 1850:

Since 1790.....	12,432,150
" 1800.....	11,032,109
" 1810.....	9,277,230
" 1820.....	8,669,089
" 1830.....	6,656,847
" 1840.....	3,215,899

At the first glance it will seem almost incredible that the excess from immigration should alone amount in the single decade of 1840 to 1850 to 3,215,899. But it must be remembered that the immigration within these years, as given by the custom-house reports, amounted to not less than 1,677,330, without those of which the custom-houses give no returns, and which Dr. Chickering, in his essay on immigration, puts down at 50 per cent. of the total number. Should their natural increase resemble that of the foreign population in Massachusetts, as stated above, none will find my hypothetical statement out of reach of probability.

These astounding results enable us to discuss intelligibly the effects of immigration upon our national progress in the great elements of strength and greatness, and wealth and prosperity. If immigration had been cut off in 1790, our population in 1850 would have been about what it actually was in 1820. Immigration, then, has put us thirty years forward in this important element of national prosperity. Our increase in all the departments of national progress has been in the exact ratio of our increase in population. Whilst the latter has increased sixfold, our commercial exports have increased, in the same period, eightfold, and our imports threefold.

YEAR.	Value of imports.	Value of exports.	Commercial fleet.	Revenue.
			<i>Tonn.</i>	
1790-91.....	\$52,200,000	\$19,012,041	502,146	\$1,339,473
1800.....	91,254,768	70,971,789	972,492	10,624,997
1810.....	85,403,000	66,757,974	1,424,783	9,399,737
1820.....	74,459,000	62,681,699	1,280,166	16,778,331
1830.....	70,876,920	73,819,598	1,191,776	24,730,883
1840.....	131,571,950	161,805,891	2,180,764	46,363,858
1850.....	178,136,318	*151,898,720	3,535,454	42,375,798
1855.....	261,468,520	275,153,616	11,212,001	65,200,929

None can fail to see in these figures the great benefit this country has derived from the increased immigration. Enormous is the increase of shipping, revenues, and commerce, from 1840 to 1855. Our imports increased 200 per cent., our exports 300 per cent., our commercial fleet 100 per cent., and our revenues more than 300 per cent. Since 1840, immigration has been chiefly directed to this country. Compare, again, 1850 with 1855, and the blindest man will perceive that the sudden rise of wealth and power this country owes chiefly to immigration. But for the influence of immigration, the wonderful works of improvement, which have added so much to our national wealth and prosperity, could not have been accomplished. To this we are indebted, in an eminent degree, for the thousands of miles of railroad and canal communication which now cover our vast domain like a net-work, and furnish ready and profitable facilities for realizing the benefits of the productive energies and enterprise of every industrial pursuit. To this we are indebted for the reduction of the vast wilderness of the west and northwest to the dominion of civilization and industry, swelling the amount of our annual revenues, increasing to an almost limitless extent our commercial wealth, and placing us in the front rank of nations as an agricultural, manufacturing, and commercial people. To immigration we are indebted in no small degree for the rapid addition of State after State to the confederacy, until we have spanned the continent with more than double our original number. But it cannot be necessary to dwell upon results so astounding to foreign nations, and so flattering to our own national pride. To appreciate them, we have but to imagine twelve millions of our population withdrawn, and reflect upon the amazing contrast that would now be presented with a population little more than one-third of its present number! This contrast will be better appreciated, if we imagine the following eighteen of the bright stars which now illustrate the galaxy of States expunged from our national banner: Alabama, Arkansas,

California, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, Texas, Wisconsin, Virginia, and New York. These States have a free white population of twelve millions, the amount of increase resulting from immigration. Instead of setting up a just claim to being the most happy, and prosperous, and powerful nation on the earth, able to command respect all over the world, to maintain our rights on sea and land against any foreign combination, and by the moral power of our republican example to shake the hoary thrones of monarchs in the Old World, we should be a fourth rate national power, subject to constant dangers of foreign invasion, and poorly able to defy the aggressions of a foreign enemy. These results prove the wisdom of the fathers of the republic in resisting the attempts of the British king to prevent immigration into the colonies, and illustrate the soundness of the policy which has enacted liberal naturalization laws and given encouragement to foreign immigration.

Men do not come here merely for the purpose of improving their physical condition. This is especially shown by the sudden decrease of immigration since the political ascendancy of the know-nothings. Exactly one hundred per cent. less have arrived in 1855 than in the preceding year 1854.

In 1854, landed	-	-	-	-	460,474
In 1855    "	-	-	-	-	230,476
Decrease	-	-	-	-	<u>229,998</u>

In order to have an idea of the loss this country has sustained hereby, it will not be amiss to state that the population of Delaware and Florida together is yet far below the number of persons the know-nothing policy has kept away in 1855. Rhode Island had in 1850 only 147,545, and may have now about 180,000. Only imagine that *one* year of know-nothing reign has cost us already more than the present population of two States like Delaware and Florida! How much will it cost us if this sway should be extended to four years more? This is the real and true standard with which to measure the prudence of the principles of the know-nothings, and the depth of their love to this country. It is more than probable that the immigration of 1856 will be even far behind that of 1855, if one may judge after the comparatively small number who have arrived in the first quarter of this year. After that rate the whole immigration will hardly exceed 50,000. This shows sufficiently that the immigrants come to this country just as much for political freedom as material well-being. It is true, the people of the United States, as a power, can use means to prevent immigration, and prohibit it if they will. But, in doing so, an original and distinguished principle of the government must be abrogated; and, having done this, we descend to a level with the arbitrary and proscriptive thrones of Europe. But the loss of the laborious immigrant will soon be felt. As already stated, the most of the immigrants wended their way to the prairies of the Far West, buying from the government with their own money the public lands, in order to wrest a livelihood from the bosom of mother earth. Their labors have enriched not only the cultivator,

but the country and the native-born citizen. Others again remained in the great Atlantic cities; where their herculean energies have been employed in the erection of public works. Men of genius, artists, scholars, came with this tide of immigration; and, while they have been able to find employment for themselves, they have also vastly contributed to the intellectual stores of this country. A remarkable instance of the public spirit and generosity of foreign-born citizens may be seen in the fact that the three leading scientific or educational institutions in the United States were founded by men born in other lands. I allude to the great Astor Library, of New York, endowed by the German, John Jacob Astor; the Girard College, in Philadelphia, endowed by the Frenchman, Stephen Girard; and the Smithsonian Institution, at Washington, endowed by the Englishman, John Smithson.

It is not a high estimate if we put down the immigration in five years, from 1850 to 1855, at about two and a half millions. Suppose this number brought with them in value only 30 dollars per head, which is the very lowest estimate; and they have enriched the country in the very short space of five years, by an amount equal to \$75,000,000. It is also a very safe calculation to say that these immigrants have paid \$150,000,000 into the treasury of the United States for public lands. The revolutions of 1848 gave emigration a vast impulse, and drove masses of men of excellent quality to our shores. Whether we consider the amount of money, principally specie, brought with them, or the amount paid into the treasury for public lands, or the advantages conferred upon the native population by their industry and their skill, we may well hesitate in alarm and surprise, that any movement looking to the arrest or curtailment of the tide of immigration should for one moment have been encouraged by any portion of the American people. The principles of the know-nothings carried out would degrade the emigrant to the low position of an East Indian pariah, or a Russian serf, excepting only that he could not be sold. They would doom him to a fate far worse than the hardest despotism of the Old World. There, at least, he would have the consciousness of not suffering alone, as the whole population, and not a part of it, would have no more rights than himself. Here he would be marked out as an inferior, useful only to dig canals and build railroads, to fight like the Helots of old, to act as hewer of wood and drawer of water to those who falsely call themselves superior beings. And not this only. While this is sought to be made the lot of the white adopted citizens—while the laboring classes are appealed to deny equal privileges to the foreign-born fellow-being of their own race—behold their efforts making in the free States to elevate the negro to the political rights and privileges of the whites!

"Americans must rule America!"—that is the constant war-cry of the know-nothings. There are at present in the United States twenty-seven millions of inhabitants, of which five millions are foreigners. The Senate contains 62 and the House 234 members. Should the five millions be equally represented in their specific qualification as foreigners, of the Senators 14 and of the House 53 should be foreign-born citizens. But there is not a single foreign-born member in Congress. Are the democratic members for whom foreign-born citizens have cast

their votes, not as good, intelligent, and wise as those who have been elected by a mere native vote? The know-nothings speak constantly of their revolutionary inheritance, their "glorious sires of '76." Will they inform me how many of them can trace back their lineage to the time of the Revolution? Are not at least two-thirds of their number descendants of those who arrived in the country since 1790? Was not, in New York, even their candidate for governor a son of a foreigner? Are not, with the only exception of *two*, all the 148 or 149 know-nothings of the New York State legislature sons of foreign parents? The answer to these questions will put to shame the warfare which know-nothingism is waging upon the policy of the founders of this republic. 't is not simply a warfare upon the foreign-born citizens diffused throughout the Union, identified in interest with our institutions; connected by the closest ties with native-born citizens; engaged in industrial pursuits which add to the national wealth and prosperity; levelling mountains and filling up valleys for our great internal improvements; felling the forests, and spreading the area of productive agriculture in the Far West; shouldering their muskets when the tocsin of war sounds; and fighting and dying bravely on the battle field by the side of native Americans. A warfare upon such a body of men is bad enough in all conscience; but the warfare of know-nothingism is against the principles on which our Revolution was started and was consummated—against the policy engrafted upon our constitution, and carried out by liberal naturalization laws in Congress; and against the prosperity of the nation, which has received one of its chief impulses from this policy.

# LETTER

OF

## AN ADOPTED CATHOLIC,

ADDRESSED TO THE

PRESIDENT OF THE KENTUCKY DEMOCRATIC ASSOCIATION OF WASHINGTON CITY.

ON

*Temporal allegiance to the Pope, and the relations of the Catholic Church and Catholics, both native and adopted, to the system of domestic slavery and its agitation in the United States.*

The speech of Hon. W. R. Smith, of Alabama, delivered in the House of Representatives January 15, 1855, "on the American party and its mission," reviewed.

Sir: I desire to address this letter to you, and in advance I will ask your pardon for any trespass I may commit upon your time or patience. The subject of this communication is one of popular consideration, and one about which much has already been said, and will be said again, by a portion of the people of this republic who are pleased to style themselves "Americans," but who are better known as Know-Nothings!

The exclusive and exceedingly proscriptive doctrine of this organization have met the withering rebuke and stoutest opposition of the Democratic and a most respectable portion of the old Whig party united, upon the lofty principles of democratic liberty, as set forth in the constitution of the United States, and as illustrated by the lives and principles of Washington, Jefferson, Madison, and Andrew Jackson, and also by those other noble patriots and statesmen, Clay and Webster, as well as Cass, Douglas, Buchanan, Breckinridge, and a host of others of all parties, who will survive as instruments in the hands of Providence to save the country from extinction and desolation. In this contest for the civil and religious rights of all the people alike, the great orators and statesmen have had to fight a double though a common enemy—the purely Know-Nothing party, on the one hand, and the Black Republican or Abolition party on the other. This latter division is known by various names, such as "Free-soilers," "Anti-Slavery men," &c. &c. But it matters very little by what names they style themselves; they are all, or nearly all, Know-Nothings, and opposed to granting the adopted citizens and the Catholics their ancient privileges and the rights of conscience as guaranteed by the Constitution and laws of the United States. It is true Senator Seward is not a Know-Nothing, and it is equally true that Horace Greeley deprecates rather than opposes the proscriptive and unconstitutional principles of the organization. But it should be remembered, and ought never to be forgotten, that it is the "higher law doctrine" of those men, which sets aside the Constitution of the country, that has introduced all the mischief in politics, and infidelity to the paramount and fundamental laws of the country. But why does the great organ of the Black Republicans declare Know-Nothingism? Because he says, "thousands of the adopted citizens will be kept off from the Republican party who might otherwise be utilized" against the South in the approaching and continuous struggle for their Constitutional rights and the preservation of the Union. This is only a trick of the far-seeing Senator from New York and his organ the Tribune, to catch the adopted citizens of the North in their Abolition nets. These men are only exceptions to the vast and entire mass of this party in the North. To show that they are nearly all Know-Nothings, we have only to look at their speeches and votes in the House of Representatives on the "Foreign-born citizen" bill, by which the rights of the foreign-born citizen might be secured to him, his right to vote under the Constitution protected. When the final vote upon this measure was taken, nearly every one of the Black Republicans voted against it; thus proving that they are all Know-Nothings. In another evidence were wanting, the proceedings and character of the recent Philadelphia Convention were sufficient to show that at that convention they gave their support to N. P. Banks as a candidate for President, and were he elected a terrible and their necessities required I force the people, he would have been the man. This political system is at once an avowed black Republic and an avowed Know-Nothing. Last year, in the House of Representatives, he delivered the most unscrupulous speech against the rights of Catholics, I mean R. Campbell, of Ohio, his superior in both these respects, is the great Polkman and the champion of the West. Mr. Fremont, who received the nomination of the Democratic party, was elected the first candidate to the Know-Nothing party, and the party, who have been president, is said, of a Know-Nothing party, and is the only

Johnston, who has been put on with Fremont by the boilers, is the veriest Know-Nothing and yet, notwithstanding these facts, which are notorious to the whole country, they resolve in their platform of principles that "they will guarantee liberty of conscience and equality of rights among citizens," and invite the adopted citizens and the Catholics, whom they have proscribed, and abused, and vilified, to co-operate with them! How much farther could audacity and hypocrisy go than this? No farther! no farther! Rather than co-operate with such men as Campbell of Ohio, Banks of Massachusetts, and the "Sharpe Rifle" fraternity in Congress, Wilson, and that sort of men, whom I know to be Know-Nothings, I would suffer pillory.

With these remarks, sir, I shall proceed to the examination of the points I propose to discuss. You are aware that I am a foreigner by birth and a Catholic by profession. In my humble person, therefore, are illustrated and embodied all the elements of mischief to this country; all the crushing, withering evils to which American liberty is exposed, and from which it must inevitably suffer. It is confidently alleged that myself and every Catholic not born in the United States are emissaries of the Pope, and therefore enemies to this country; that we owe an allegiance to him higher and above the Constitution; that his claims upon us are paramount, nay, superior to every other earthly consideration; and that no other obligation can relieve us, and no power can absolve us from the arrogant pretensions of the Roman Pontiff. In short, they say, we owe him the highest temporal as well as spiritual obedience. Native born Catholics are, however, excepted from the force of these accusations, upon the plea that they owe no temporal allegiance to the head of the Church. 'Tis true, indeed, they do not; but it is equally true that no Catholic does, except those who are citizens of the Papal States in Italy; and this is due from them only as fealty to the Constitution is due from the citizens of the United States, and allegiance to the Crown is due from the citizens of the British Empire. No allegiance, therefore, is due from every Catholic, and but one; and it matters not where they have been born, whether in Asia or Africa, in Europe or in America, he owes this spiritual and no other allegiance to the acknowledged head of the Catholic Church. I denounce, therefore, to this indictment, and I protest against its specifications. As one of the accused I shall plead not guilty, and I shall assume to speak for all those joined with me in the bill. Sir, I have the fullest confidence, and I experience all the consolations that appertain to that confidence, that I will be able to convince even our accusers that great injustice has been done us, and that instead of our religious faith being calculated to divide or weaken our allegiance to this country, and our loyalty to the Constitution and all the institutions of this Republic, it challenges our obedience, and claims for them all our cordial and enthusiastic support; nor does locality with us, whether it be North or South, or East or West, create any new claim or alienate one old affection. We have no church North and no church South; no Synod and no Conference of ours excommunicates the christian citizen and declares him unworthy of christian communion and christian fellowship because he owns a slave. The Catholics of Massachusetts and of Maine, who own no slaves, extend the hand of fellowship as christians and as citizens to the Catholics of Virginia and the Carolines, of Kentucky and of Louisiana, who may have their hundreds. Our faith embraces in its charitable scope every person and all the institutions of our common country. Our Priests present no memorial to Congress "in the name of Almighty God," and advocate no treason to the laws and no murder of the citizen on the Lord's day. Our latty everywhere try to be at once good citizens and moderate christians! We are no fanatics; we are no Abolitionists; and we have no sympathy for any men who are arrayed against the laws of Congress and who are laboring to overthrow the Government of the United States. The Catholic who would array himself against the laws or any section of this country, having equal rights under a common Constitution, would be guilty of double treason; treason to his country and treason to his religion. These are my views, and these only become the enfranchised citizen and the Catholic.

With these remarks, sir, I shall proceed to examine some of the grave charges urged against us by the Know-Nothing orators and presses, both at the North and at the South. As Know-Nothingism in the Northern States is now Black Republicanism pretty much, I shall take no notice of it there, and will content myself with the views of "South Americans." That I may not be mistaken, and that I may manifest a decent respect for the assertions and opinions of their greatest orators and oracles, I will quote from the speech of the Hon. Mr. Smith of Alabama, delivered in the United States House of Representatives, January 15, 1855, and entitled "THE AMERICAN PARTY AND ITS MISSION." I have selected this speech because it is the boldest I have seen, and because it is said to be the ablest. It has been preserved from merited oblivion, and is now advertised for sale in large numbers as an admirable document for the canvass for President and Vice President of the United States. Sir, I will here presume to say, that Judge Smith entered upon this speech with a mind deeply prejudiced, and in a condition not calculated to do justice to the subject, or to take that view of things which became an enlightened statesman in the Congress of the United States. After some general and very severe remarks, he is interrogated by the Hon. Mr. Barry, of Mississippi, as follows:

"I desire to ask the gentleman another question. I desire to know whether Gavazzi, who is getting up these Know-nothing organizations, is not a foreigner? I wish to know whether the editor of the Crusader, the great Know-nothing paper of the country, is not a foreigner?"

In answer to these inquiries Mr. Smith replies: "I have no time to talk about Gavazzi and the Crusader; I like Gavazzi for his exposure of the Jesuits!" It may be proper to state in this place, that this Gavazzi had been himself a Jesuit, and had suffered expulsion from that order on account of his crimes against virtue and religion! Mr. Smith claims consideration,

however, for this foreign and wicked priest, and uses him in evidence against all Catholics, whom he erroneously styles "Jesuits." He then proceeds to give what he is pleased to call the oath of the Jesuits. I will not quote the oath entire, I will only give the most obnoxious part, as follows:

"I do denounce and disown king, prince, or State named Protestants, or obedience to any of their inferior magistrates or officers. I do further declare that I will help, assist, and advise all, or any of his holiness' agents, in any place wherever I shall be, and do my utmost to extirpate the heretical Protestant doctrine, and to destroy all their pretended power, legally or otherwise!"

Mr. Smith assumes the truth of this oath, without informing the House or country where it can be found. I will here undertake to say to that gentleman, and to the country, that there is no such oath to be found, derived from any source entitled to credit or respect. The Jesuits never took such an oath. They take no oath at all. But if it be true that the Jesuits take such an oath, Gavazzi was an exceedingly bad witness to put upon the stand against his own order, and especially against the Catholic portion of the people. As a Jesuit, he must have taken that oath, if it is taken at all; and as a *renegade*, he stood upon the stand an infamous and perjured man! Mr. Smith believes this *perjurer*, as against Catholics—nay, more, he wishes that *all* shall believe him, and gives the weight of his character, and the influence of his name to one that, by all the laws of our country, by the laws of nature, and of all civilized nations, by every law human and divine, is unworthy of respect or belief! For the sake of Mr. Smith, for the sake even of the apostate Gavazzi, for the sake of all, and for the sake of human nature, I deny the truth of this *Jesuit oath*! I pronounce it a wicked forgery, fabricated by a bad man, and for wicked purposes.

The honorable gentleman next proceeds as follows:

"I now approach, Mr. Chairman, the most delicate and important subject that has ever engaged the attention of the American people. It is my duty to proclaim to my countrymen the dangerous tendency of the Roman Catholic religion. From its first days to the present, it has, on all occasions, without the slightest exception, been averse to liberty and to free institutions. It recognizes the infallibility of the Pope. Its greatest writers say, infallibility in the Pope is synonymous with sovereignty in a monarch. 'The true principle is,' says De Maister, 'that sovereignty comes from God.' This is the origin and idea of the phrase—'The King can do no wrong.'"

I will not characterize that paragraph as it deserves, but I will undertake to say that I shall show every word of it, every single word, contradicted by history; and I shall not show it so by Catholic authority alone, but by the best Protestant testimony also. I am astonished that a man, even of ordinary intelligence, should be so ignorant of the history of the world, and of his own country. Why, the memory of some, and the experience of most men, will array themselves against part of these assertions, and impartial history will pronounce against them all. Surely no one can be so ignorant of history as not to know that the earliest republics of the Christian era, in the middle ages, rose to glory and renown under the care of the Catholic church, and by the valor of the arms and triumphs of the arts of their Catholic people! Can any one be so ignorant as not to know that the little republic of San Marino, has preserved its independence and its republican form of government for fourteen hundred years within the very heart of the Papal States, and almost within the shadow of the Vatican! In England it was Catholic Alfred gave the body of the common law; he gave, also, the judges, the magistrates, the sheriffs, the courts of justice, the elective system, and that great bulwark of human liberty everywhere, the trial by jury. He also conferred upon the people the right to tax themselves; and it was for this principle in the British constitution, that the revolutionary fathers fought, because they said this and this alone was liberty, and this, let me add, is the soul as well as body of American liberty in this country! Did not the Catholic barons and Catholic clergy give the Magna Charta to England and the world as the basis of popular democratic liberty? The solid foundation of popular liberty has been laid in the world more than twelve hundred years, and all done by Catholics. For the truth of this I appeal to history. The first knowledge of a statesman or a legislator ought to be to know the history of his own country, and of other countries, if possible. What a deplorable evidence does this "intemperate American" congressman present even of the outlines of history, and how much more of its particular parts? Every schoolboy knows that the Catholic clergy and laity, at the commencement of the Revolution, were among the first and most ardent to join their countrymen in defence of their common rights and liberties against the tyranny of a most unfeared Protestant king and Protestant parliament! During that long and painful struggle there was not an Irish tory to be found, nor is there any evidence of a Catholic or a priest being among the long line of Tories, native and foreign born, that left Boston when Washington entered that city in all his glory! Charles Carroll, of Carrollton, signed the Declaration of Independence, and risked all he had on earth in the contest. He gave a million of dollars, which was more than half the means of the colonies at that time, to carry on the war. His cousin, Rev. John Carroll, a Jesuit priest, was associated with Dr. Franklin on a mission to secure the neutrality of the Catholics of Canada, which they did. Was he acting under the Jesuit oath? John Barry, a pious Catholic, and a native of Ireland, was appointed by the first Congress to command the Lexington, the first vessel-of-war owned by this government. He was the father of our navy, and for his valor and his services he received the thanks of

Washington. Unfortunate Ireland, the country of my own birth, and the victim of the same oppressions still, gave sixteen thousand of her Catholic children as an offering upon the altar of liberty! (See Report of Parliament in 1793.) Who were the friends of liberty, and the faithful allies of the revolutionary fathers beyond the sea? Catholics! all Catholics, and none but Catholics! I do not ascribe the favor or the opposition given by the world in this war of universal liberty, to the religious opinions of the people—not at all! I would neither suspect nor accuse any one on account of his religion—my own best friends are Protestants, and for them I would suffer and do anything! But when I am accused upon this point, for the sake of truth and justice, I shall vindicate the integrity of history! Catholic France furnished thirteen thousand troops. She furnished fifty ships of the line, besides frigates. When we had no money, or a depreciated currency, she advanced in loans seven millions of dollars. Nor was this all: she despatched ships laden with provisions and military stores to our starving army, including two hundred pieces of artillery, four thousand tents, and clothing for thirty thousand men! Nor yet was this all: she acknowledged our independence, and in 1778 made the first treaty with us, wherein she pledged her friendship and her aid. The siege of Yorktown, the closing, crowning triumph of an eight years' war for freedom, beheld Washington and Lafayette, the native Protestant and the foreign Catholic, side by side glorying in a common victory! We had no aids from the Protestant countries of Europe—the enemy received them all; every government, from Norway and Sweden down, sided with the king; and Hanover alone furnished 1,700 mercenary troops to supply the place of Catholics, whom "Lord Howe could not rely upon" in the struggle for freedom. Every body remembers the famous Hessians! So much for the first charge of Mr. Smith.

The next charge is, that Catholics believe in the infallibility of the Pope. And in this belief all bigots, as well as Mr. Smith, consider the fatal tendencies of our faith to lie. But Catholics do not believe in the infallibility of the Pope: it is no part of the Catholic religion; no intelligent man can believe it, and no one can maintain the assertion! I could, if it were necessary and justifiable, here present volumes of evidence against the charge. I will, however, give one authority, and but one, which is entitled to the highest respect, as well for his great learning as for his acknowledged piety—and that is Archbishop Kenrick. In his work on the SUPREMACY OF THE APOSTOLIC SEE, (pages 222, 223,) he says—

"In pronouncing judgment, he does not give expression to a private opinion, or follow his own conjectures; but he takes for his rule the public and general faith and traditions of the Church as gained from the Scriptures, the Fathers, and other documents; imploring the guidance of the Divine Spirit, and using all human means for ascertaining the facts of Revelation." These judgments, upon doctrinal points, are received as the highest human authority on all questions of religious faith! The learned Archbishop says, further:

"The personal fallibility of the Pope in his private capacity, writing or speaking, is freely admitted by the most ardent advocates of Papal prerogatives. His official infallibility, in the circumstances just mentioned, is strongly affirmed, although the French clergy, in 1682, contended that his judgment might be amended."

So much for the infallibility of the Pope, and the dangers to American liberty arising from it! While upon this point, I will quote from the reverend Dr. Nevin, an eminent and enlightened Divine of the Presbyterian Church. He says:

"For ourselves, we say it plainly, we believe the acknowledgment of the Pope's spiritual primacy is just as little at war with American liberties as the acknowledgment of any like primacy in either of the Presbyterian general assemblies, or in the American Episcopate, or in the private judgment, simply, of any true-blooded Puritan Independent."

As to the remark that the Church considers sovereignty coming from God, I admit it, but not in the subtle and unjust sense of the gentleman. We read in the Scriptures of the "God of Nations." It is believed by the Church, and so Catholics are taught to believe, that all good, just, and legitimate governments receive the sanction and approval of Heaven. This is what De Maister means by sovereignty! I believe in this sovereignty; so does every rational man; and I would be sorry if Mr. Smith did not! Despotisms and tyrannies never found favor with the Church, and I am not aware of any Catholic advocate for such systems! The remark that "this is the origin of the idea and phrase, 'THE KING CAN DO NO WRONG,'" is not just, and is not sustained in the books as of Catholic paternity. That maxim of monarchists and despots originated with a man named FILMER, in the reign of James I., "and it became the badge of Tories and High Churchmen! It was gravely maintained that the Supreme Being regarded hereditary monarchy as opposed to all other governments with peculiar favor." (See Macaulay, vol. I., page 66.) The same historian says, (page 67 of the same volume:) "In the Middle Ages the doctrine of indefensible hereditary right would have been regarded heretical; for it was altogether incompatible with the Church of Rome." A Protestant historian declares, therefore, that it originated with an Englishman, FILMER by name; was the badge of the Tories and High Churchmen in England; and that it was not in favor, but was incompatible with the Catholic Church! The "important subject," as contained in the above paragraph, I have shown to be unfounded from beginning to end. The whole speech is made of such material, and could your patience endure it, I could sift it so that nothing would remain!

As to the assertions that Popes have absolved subjects from the allegiance due to their rulers, I shall only say, what every reader of history knows to be true, that the Popes always protected the people, as far as they could, against the tyranny and rapacity of bad kings. In the

ally ages, and while yet governments were unsettled, and the rights of sovereigns and subjects not clearly defined, as a mutual protection against each other, they agreed upon the conditions of empire and of obedience, and made the Pope the arbiter, who held the covenant between the parties. The people pledged that, so long as their kings might rule in justice and mercy, so long they would be loyal and true to their allegiance; but, upon a forfeiture of this compact, solemnly made, they would have a right to renounce them; and that, if they continued their system of oppression and robbery, the Pope might excommunicate them!

The Popes did it; and it was right they should. They were compelled to do it. The Popes had no authority of their own; they never claimed any; they executed a judgment mutually agreed upon by the kings and their subjects; they only pronounced the sentence which the parties themselves had fixed, and on'y within the territory or empire of the contracting parties. The Popes were a sort of judges within the realm, and their jurisdiction extended not beyond! This humane interference on the part of the Pontiffs has been commended by many and eminent Protestant philosophers and divines. Every one knows that every people have a right to renounce unjust and unlawful rulers. The revolutionary fathers and the people of the colonies renounced King George, and took up arms against him, and fought him eight years, and whipped him, and set up a government of their own. No one pretends that this was wrong; on the contrary, the achievement will descend to the end of time as the grandest in the history of the world. It is a principle laid down by all writers on government, that when the compact is broken upon which sovereignty rests, the original rights of the people may be resumed. Men may oppose their unjust rulers upon the great principle of nature, "which makes it base for a man to suffer when he ought to act;" which, tending to preserve the original designations of Providence, spurns at the arrogant distinctions of man, and vindicates the independent qualities of his race!" The Popes, I repeat, only pronounced the sentence, and neither Crowns nor Royalty could avert it, or buy out the law; it was administered without favor or affection! The Catholic Church, so far as the inculcation of the principles of morality and public order might claim her attention, has been opposed to revolutions and civil war, only when absolutely necessary. It has always given its aid and support to every good government; it fortifies the subject in his allegiance, and requires him to be a good citizen. This cannot be denied. And should the evil day ever come upon this country when the North shall array herself against the South, or the South against the North, this great conservative principle of the Catholic Church will be exerted in arresting civil war, in promoting peace, and in defending the Union and the constitution!

To show how loyal Catholics have always been we have only to look into English history, and there we will find a full refutation of all that is urged against them on this point. While the British government has practised that system that the Know-nothing party and Abolitionists desire to establish here—that is, to enslave foreign-born citizens and free the slaves—still they have been most true and most loyal to the Crown. Not because they do not hate that cruel government most heartily, but because of the various and controlling circumstances that sustain them in oppression and attach them to the sovereign. An exhibition of loyalty occurred during the disastrous reign of Queen Elizabeth that ought to protect the Catholic forever from suspicion of disloyalty. That cruel and austere princess persecuted her subjects because they were Catholics, yet they were true to her because she was their sovereign, though her legitimacy as queen was doubted—nay, denied—by many. During the long and doubtful struggle between Elizabeth and Philip, the Catholic King of Spain, the fidelity of the English Catholics was suspected in such a contest. "Confiscations took place daily, the prisons were filled, and hundreds were led to execution, yet, nevertheless, they were true to an unworthy queen! They displayed no less patriotism than their more favored countrymen. The peers armed their tenants and dependents in the service of the queen. Some of the gentlemen equipped vessels, and gave the command to Protestants; and many solicited permission to fight in the ranks as privates against the common enemy." (Lingard's England, vol. 8, p. 200; Stowe, p. 746; Harleian, pp. 11, 64.) "Not one man appeared to favor the Spaniards; the very papists themselves being no less unwilling than the rest to see the country subject to the ordinary cruelties found in strangers. The Viscount Montague, with himself and son and grandson, presented himself before the queen at the head of two hundred horse that he had raised for the defence of her person; they declared the readiness to fight till death in her cause against all enemies, were they kings, or priests, or Pope, or any other potentate whatsoever." (Osborn, pp. 15, 17, 23, 46.)

Such, sir, was Catholic allegiance in the reign of Queen Elizabeth. If Catholics were found true to a cruel government in the times of persecution, the people of this country need not apprehend much from their disloyalty or want of patriotism!

I am, I repeat, a foreigner by birth and a Catholic by an honest conviction. I owe no allegiance to any prince, Pope, or potentate, inconsistent with the fullest allegiance to the constitution of my adopted country; and were the Pope to come as an invader, I would oppose him, and I would any other usurper. The laws of nature and of nations, the laws of the church itself, and every principle of my manhood, would urge me to resist him and defend my country and her institutions. There is no law or usage or precept on earth that will question this paramount duty. These, sir, are my views, and these I am sure would be the views of every adopted Catholic in the United States!

With these remarks in reference to temporal supremacy and Catholic allegiance to the Pope, in answer to the charges contained in the speech of Mr. Smith, and repeated by the orators and

practices of the Know-nothing and Abolition parties generally, I shall proceed to show the relations of the Catholic Church and Catholics to the vexed, and at this time alarming, question of slavery. I desire to do this for two reasons: First, To show the country the Christian views taken by the Church of this relation since the dawn of Christianity; and, in the second place, to show all Catholics, whether native or adopted, that, as good and conscientious members of the Church throughout the United States, they cannot give aid or comfort or countenance or support to that class of men who aspire to high places upon the agitation of slavery, and an overthrow of one section of a common country, because they hold a species of property which is lawful, and which has been in the country for nearly three hundred years, and which, moreover, is secured to them by that constitution that secures us all our liberties and our existence as a great and glorious country!

Without entering into detail, I shall simply state that it was held by the ancient fathers of the Church, and it is still the unanimous opinion of Catholic divines, that slavery exists by divine sanction; that man's sins brought it into the world; and that it is perfectly compatible with the purest morality and the highest Christian perfection. In support of these views are cited the various acts of the Almighty himself, as mentioned in the Scriptures, recognising it as a lawful relation, and also the patriarchs, Abraham, Isaac, and Jacob, who were slaveholders, and at the same time models of virtue and piety, and will go down to the end of the world as such. Yet, nevertheless, it has been the humane province of the Church to elevate the slave, to ameliorate his condition, and to mitigate the terrible severities of the system as it found it among the Pagans. But while she did this, she admonished the slave of those duties he owed his lawful master, and the master of those Christian charities and mercies that were due to his slave in the eye of Heaven. She bound them together in the bonds of Christian fellowship; and against these who unlawfully interfered or enticed a slave from his owner, or made his right to him unsafe or insecure, she pronounced her severest censures—her unalterable and irrevocable anathemas! She owned slaves in her own name, and yet, while she did, whenever a slave was freed by his master, or otherwise lawfully, the highest dignities of the Church were accessible to him! Thus she has given an example of Christian charity to all, which, were it observed by the Abolition fanatics and all others, treason and murder and sectional hate would not prevail to so alarming an extent as it does; converting a happy and law-abiding people into enemies and shedders of each other's blood!

It was quite natural, nay, it was the duty of the church to soften the character of the system of domestic slavery which she found in the world. Under the laws of Rome, and it had been so at Athens and in Sparta, the master had the right of life and death of his slaves, and often it was wantonly, almost capriciously exercised. **QUINTUS FLAMINIUS** killed a slave in the midst of a festival, and another was thrown to fishes to be devoured, because he broke a glass of crystals. Thus every day and constantly the slave was exposed to death. At Rome, whenever a master was assassinated, all his slaves were condemned to death. **TACITUS** says, "that when the prefect **PENATUS SECUNDUS** was assassinated by one of his slaves, four hundred were to die, and were led to punishment." The system in all its severity extended throughout the then known world, and the number of slaves in proportion to the citizens or freemen exceeds conjecture! **THUCYDIDES** says, "that in the city of Athens alone, there were 40,000 slaves and only 20,000 citizens; in the Peloponnesian war 20,000 passed over the enemy!" **THESEUS** had her thousands of *Penestes*, and Sparta had her tens and hundreds of thousands of *Helotes*. **TYRE** had them in great numbers, and **HERODOTUS** says: "That the Scythians had them in still greater numbers! **CÆSAR** in his Commentaries speaks of the multitude of slaves in Gaul, and says: 'The common people are almost on a level with the slaves.'" Such was the system of slavery then, and such was its extent—coeval with human society, and co-extensive with the habitable globe. Christianity mitigated it, and under the influences of a new era in morals and religion; it has descended to us, and exists only in a limited degree, and in truly a paternal and Christian character! Against the Pagan system, the Saviour himself opened not his mouth, although it was most cruel. He addressed the Christian master and his slave as Christians and as brothers, and enjoined on each his duties and his obligations. The apostles spoke not against it, but exhorted, as their Divine Master had, and advised, nay besought the fugitive slave to return to his service. The Church, following these examples, speaks not in denunciation of the lawful and humane master, nor does she sanction such conduct in any of her children!

This system of denunciation and unlawful interference was left by the Saviour, by his apostles, and by the Church, to such men as **Seward**, **Sumner**, **Chase**, **Hale**, **Banks**, **Fremont**, **Theodore Parker**, **Beecher**, and other fanatics of this age and generation; men most of whom are in favor of enslaving and disfranchising the Irishman, the Dutchman, and all persons, born in foreign countries, and freeing the negro and enfranchising him. Look at the action of the Abolition Know-nothing party in Maine, in New Hampshire, in Massachusetts, Connecticut, and Vermont, and everywhere, where the Black Republican party prevails.

These unprincipled men urge this unnatural and unlawful theory, and at the same time say: *African Slavery* is the great evil of the country, that it has the curse of God upon it; and yet they would have white slavery established in its place! They say slavery will cause the ruin and destruction of this government! This, however, is but the fanatic's assertion against the truth of history. With her system and her countless slaves, Greece grew great and flourished more than three thousand years! Rome, with her myriads of slaves, pushed her conquests to the

of the earth, and for more than two thousand years was mistress of the world; and when the fabric of her glory and her strength gave way, it was not servile hands that plotted her destruction; and when she fell, there was no slave to glory in her overthrow. Scylla, Marius, Catiline, and the madmen of Rome, whose ambition and whose hatred could not be satisfied with the destruction of the Roman commonwealth, were the fratricides. The question now is, whether the temple of our American freedom shall be overthrown by the madmen of this country, and the freest republic that the world has ever beheld shall be sacrificed to the fanaticism of the Abolition party and its leaders? Without proceeding further, I decide to give in this connexion a few authorities in the Church, both from the holy fathers and canons, (which are the laws by which the Church and all its members are governed,) in reference to the system of slavery.

St. Augustine informs us that the "condition of slavery is justly regarded as imposed upon the sinner; sin, not nature, introduced the word."

St. Ambrose says:

"There would be no slavery to-day, had there been no drunkenness."

St. John Chrysostom says:

"Behold brethren born of one mother: sin makes one of them a servant, and, taking away his liberty, lays him under subjection."

Bishop England says:

"Catholic divines are agreed, that the origin of slavery, as of all other infirmities and afflictions, is to be found in sin."

Pope Gelasius I, in his letters against the conduct of the Pelagians, (a sort of abolition and outlaw party of his time,) states "slavery to have been the consequence of sin, and to have been established by human law."

St. Augustine again says:

"That the peace and good order of society, as well as religious duty, demand that the wholesome laws of the State regulating the conduct of slaves should be conscientiously observed."

Bishop England says:

Slavery is regarded by that Church of which the Pope is the presiding officer, not to be incompatible with natural law; to be the result of sin by Divine dispensation; to have been established by human legislation, and, when the dominion of the slave is justly acquired, to be lawful, not only in the sight of human tribunals, but also in the eye of Heaven."

In addition to all this, there is a positive and unchangeable law of the Church which would forbid any conscientious Catholic being an Abolitionist. The third canon of the Council of Rome, held in the year 500, declares—

"If any one, under the pretence of piety, teaches a slave to despise his master, and to withdraw from his service, and not to serve his master with good will and all respect, let him be anathema!"

"The phrase *let him be anathema*," says Bishop England, "is never appended to any decree which does not contain the expression of unchangeable doctrine respecting belief or morality, and indicates that the doctrine has been revealed by God."

And now, sir, to close the authorities of the Church upon the subject of slavery, I desire to show that every Catholic is bound by a canon law to support the *fugitive slave law* of 1850, as well as the principles of the Kansas and Nebraska bill of Judge Douglas, which the Abolitionists and Black Republicans condemn so much. By a canon of Pope Leo III, in the year 800, it is enacted:—

"Wheresoever within the bounds of Italy either the runaway slave of the king, or of the Church, or of any other man shall be found by his master, he shall be restored, without any bar or prescription of years."

Here, we see, is a *fugitive slave law* nearly eleven hundred years old, just like our own, and just as honest in all its requirements under our constitution and happy form of government. The Church has given an old precedent, to be sure; but with us Catholics it is as new and binding to-day as though enacted yesterday!

Sumner and all the Abolition and Black Republican fanatics say this law is from the author of all evil; that it is a compact with Hell; that it ought not to be obeyed, and must be repealed, through the Union and the constitution, and everything worth living for should go to destruction. But, sir, in this terrible assault upon the established institutions of the country, and the rights of the Southern States under the constitution, the Catholic portion of the people will be a reliable ally against the mongrel and Vandal invader, with his united cohorts of Abolitionists and Know-nothings. The adopted citizens and the Catholics will gratefully remember and cordially return the favors they have received from the noble men of the South who have defended them, and secured their liberties from this same common enemy. They will—*I know they will!* By every consideration of religion and love of law, they will do it! By the memories of the past and the hopes of the future, they will do it! Need I tell you that from my very soul I am this party and their principles? What are they? They propose to rob the man who owns a slave of his property, and his equal rights in a territory purchased by common blood



OLD LINE WHIGS

FOR

BUCHANAN & BRECKINRIDGE

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LETTERS

FROM

HON. JAMES ALFRED PEARCE,

AND

HON. THOMAS G. PRATT,

TO THE WHIGS OF MARYLAND.

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SPEECHES

OF

HON. J. W. CRISFIELD, of Maryland,

AND

HON. JAMES B. CLAY, of Kentucky.

OFFICE OF HON. JAMES A. RAYMOND

WASHINGTON, JULY 21, 1856.

DEAR SIR: You ask what part I mean to take in the coming Presidential election, and I think should be done by old Whigs who have never been attached to any other party, and do not desire to enter into new political combinations.

I am well aware of the embarrassments to such persons which attend a choice among the candidates for the Presidency now before the country. In my own case this embarrassment is sensibly felt. My inclinations point one way, a sense of the duty arising from the present dangerous condition of domestic politics, leads me another way. My past relations, political and personal, with Mr. Fillmore, the confidence I have always reposed in his integrity and ability, the wisdom of his Administration, and the conviction I entertain that he is a just national man and free from sectional prejudice, would induce me to prefer him to his competitors. Neither do I object to the sentiment of American nationality, properly limited and restrained. Indeed I think that our present system has made American citizenship too cheap. But I did not approve the mysterious system under which the American party, of which he is now the representative, was organized; the oaths administered to members on initiation, and the discipline of the order, by which secrecy and obedience was secured. How far all this has been dispensed with I do not know. The original plan of their organization I could not but condemn, as I do the adoption of any principle which founds a rule of political exclusion upon a diversity of religious faith. However modified in these respects their plan may now be, it is not necessary for me to inquire. The Northern wing of the party came into it, as I think with purposes very different from those entertained by the rest. They adopted it as a cloak for schemes which all of us in Maryland condemn and detest. The necessary affiliations of that wing of the party were with the anti-slavery men; and accordingly we find the mask now thrown off by the most of them, and see the development of their plans in such a measure as the personal liberty bill of Massachusetts, which nullifies a law of Congress, violates the constitutional guarantee for the recovery of fugitive slaves, and creates the fiercest and most dangerous discord between the north and the South. Their members of Congress have for the most part been consolidated with the pernicious party mis-called Republican, and many of their delegates to their Presidential Convention have deserted to that motley alliance, whose triumph would be the saddest calamity that has ever befallen our Union. The comparatively small portion of the American party which remained after this transfer to the anti-slavery men, and which has nominated Mr. Fillmore, is without power to elect him, even with the assistance of Southern Whigs or National Northern Whigs. These, however great their personal respect for and confidence in Mr. Fillmore, are under no party obli-

gation now to give him their support, seeing that he has become a member and accepted the nomination of a party which repudiates the Whigs; and while they would be willing in a contest with their old opponents to stand by all their political opinions to the last, they find ample reason in the present condition of parties, in the political anarchy which prevails, and in the fear of a sectional and anti-slavery triumph, leading to ulterior consequences of the worst sort, to consider whether it is not their duty to sacrifice all personal feeling and party prejudice for the sake of the Union, and to sustain the nominations of the democrats, as the only means of defeating the schemes of the mad agitators who rule the Republican party.

The contest it seems to me, lies between Mr. Buchanan and Mr. Fremont. Mr. Fillmore's friends indeed claim a great reaction in his favor; but I have taken much pains to ascertain what his strength is in the free States, and so far I have not been able to satisfy myself that he can carry a single one of them. His wise and patriotic conduct while President, which recommended him so strongly to the Whigs of the South, is regarded by the majority at the North as a fatal objection to him. It is not moderation and conciliation they desire; they think as one of their leaders said, that the time for compromise has passed. They want in the President, an instrument to punish the South for what they fancy or pretend to be the aggressions of the "slave power" upon the North. Mr. Fillmore is too national for this purpose, and he must indeed be credulous or sanguine in the extreme who supposes that the politicians who have misguided and inflamed the Northern majority, will abandon their designs, and renounce the spoils for which they hunger and thirst, just at the moment when, for the first time, they are confident of the success of the one and the enjoyment of the other. Mr. Fillmore's strength lies in the Whig States of the South. If all the Southern States should give him their votes, he would fall in the election without such assistance from the free States as it would be vain to look for. The choice, then, is between Mr. Buchanan and Mr. Fremont, and what Maryland Whig, believing as I do, can hesitate?

I am not so unjust as to charge all the Northern men who join in the support of Mr. Fremont with being abolitionists. There are men among them whom I hold in much respect, while deploring the error of judgment into which they have fallen; but the most active and influential of their leaders are men who, from perverted judgment or inflamed passion, or what is worse, from deliberate calculation, have determined to build up a sectional party, reckless of its peril to the Union, once so justly valued, but now estimated far less at the North than at the South. Mr. Greeley is at this moment more potential with his party than any other of its members. He has the benefit of Mr. Giddings' co-operation. Governor Chase, Mr. Seward, and Mr. Wilson are active and influential leaders. Their presses teem with the fiercest abuse of Southern men and Southern institutions, with the grossest perversions of the truth, wickedly made to inflame the Northern mind. Their orators denounce us equally, and some do not hesitate to say that they intend or desire not only to restore Kansas to the

operation of the Missouri restriction, but to repeal the fugitive slave bill, to abolish slavery in the District of Columbia, to interdict the interstate slave trade, to prevent the owner from migrating with his domestics from one slave State to another, to prevent forever hereafter the admission of any new State which tolerates domestic servitude, and to hem in and confine slavery within its present limits; thus continually increasing the political power of their section, until we shall be too weak to resist their future efforts to impair the value of our peculiar property and finally to destroy it. We do not indeed find all these objects laid down in the platform of their party, and there are men associated with them whose designs by no means extend so far; and who, if they knew the probable consequences of their success, would recoil from the evil association into which they have fallen. But, then, more moderate men are not the master spirits in this league of agitation, and will be powerless to stop the mischievous measures which I think certain to follow the success of the combinations which they are now aiding. The tone of the press in their interest, the speeches of many members of Congress and of the amateur orators of the party, all clearly evince a determination to unite all the people of the free States, if possible, in fierce and relentless hostility to those of the South. It is in the strife of sections in which they hope to succeed, and in what would their success result? Not in forming a more perfect union, not in establishing justice or ensuring domestic tranquility, all of which are among the declared objects of that Constitution which Washington and the other Fathers of the Republic gave to us; but in the jealousies, discord, and hatred inseparable from party, characterized by geographical discriminations. It was against this that the Father of his Country warned us in his farewell address, the last legacy of the spotless patriot to the country he had loved and served so well.

Some years ago, (in 1839,) when the danger of this sectional organization was less than it is now, Mr. Clay gave us his advice in the following words:

"Abolitionism should no longer be regarded as an inflammatory danger. The Abolitionists, let me suppose, succeed in their present aim of uniting the inhabitants of the free States across a line against the inhabitants of the Slave States. Union on the one side with wages of sin on the other, and this process of reciprocal excommunication will be attended with all the violent gradations, embittered passions, and implacable animosities which ever degraded or deformed human nature. Virtual dissolution of the Union will have taken place, whilst the forms of its existence remain. The Union, this section will stand in menacing and hostile array against the other. The collision of opinion will now be followed by clashes of arms. I will not attempt to describe the scene which now happily is contested from my view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man."

That Mr. Clay's fervid spirit gave too warm a coloring to the picture; but we need only remark the passionate violence which characterizes men who have lately yielded to this sectional phrenzy, to satisfy ourselves what is the temper natural to such an organization. At the Convention in Philadelphia, held by those who nominated Mr. Fremont, a conspicuous and distinguished gentleman heretofore considered moderate and conservative, made a speech, in which, amidst cheers and cries of "good," he spoke as follows:

"They [meaning those who appointed the members of the convention], ask us to give them a nomination; which, when fairly put before the people, will unite public sentiment; and through the ballot box, will restrain and repel this proslavery extension and this aggression of the slaveocracy. What else are they coming? They tell you they are willing to abide by the ballot box, and willing to make that the last appeal. If we fall there, what then? We will drive it back word in hand, and so help me God, I'm with them."

It is true that the author of these remarks has since publicly avowed that he alone is responsible for this rhapsody. But it cannot be doubted that the feeling which prompted him was the same which animated the preacher who proposed to supply the brethren in Kansas with reading matter; and which has stimulated other preachers and their congregations to subscribe Sharpe's rifles as the most efficacious instrument in the adjustment of the controversies in that Territory, which all good men deplore; however they may differ as to the causes of the unhappy anarchy which prevails there. For myself, I acknowledge my duty to redress, so far as I can, all the real grievances complained of in that region; and I have supposed that the bill recently passed by the Senate was calculated to remedy them; because it proposes to enact that no law shall be made or have force or effect in said Territory which shall require a test oath, or oath to support any act of Congress or other legislative act, as a qualification for any civil office or public trust, or for any employment or profession, or to serve as a juror, or vote at an election, or which shall impose any tax upon or condition to the exercise of the right of suffrage by any qualified voter, and which shall restrain or prohibit the free discussion of any law or subject of legislation in the said Territory, or the free expression of opinion thereon by the people of said Territory; and secures, as far as law can secure, the operation of the public law within the formation of a State government. That this bill was sincerely meant to effect its avowed purpose, I am quite confident, and I believe that there are conservative men at the North who do not yield to prejudice or passion, who will credit this assertion. Unfortunately, they are not the majority. At all events, in the most of the free States, the masses of the Republican party are led by men who do not mean to be satisfied with any legislation which is not a result in placing the Government under their control by men who say that the framers of the Constitution made a compromise that cannot be mentioned without shame; who say of Mr. Fillmore, in allusion to his signing the fugitive

It will be said perhaps that this is mere decla-

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 bill, "better far had he never been born—  
 better for his memory, and for the name of his  
 children, had he never been President," who  
 declares that bill to be "one of the immortal cata-  
 strophes of national crimes," and that he who signed  
 it thereby "sunk into the depths of infamy," who  
 pronounced the fugitive slave to be "one of  
 the heroes of the age," and the master who de-  
 manded him a "vile slave-hunter," whom all men  
 should look upon with contempt, indignation and  
 abhorrence; men who do not regard the Consti-  
 tution, and the laws made in pursuance of it, as  
 the supreme law of the land; who disregard the  
 decisions of that high tribunal whose office it is  
 to decide the constitutional questions; who claim  
 to set up their individual opinions against the  
 official ones of the judicial authorities, and refer  
 to "higher foundations," not to the instrument which  
 they have sworn to support, which is at once the  
 law and the principle of our Union, but to some  
 "higher law," whose foundations are to be found  
 in their own fanatical imaginations. Some of  
 the leaders go further still, and consider slavery  
 as wrong so transcendent that it must not only  
 be admitted to its present bounds, but must be ex-  
 terminated altogether. We see the effects of this  
 in the increasing restiveness of a part of our popu-  
 lation, in the often repeated escapes of our ser-  
 vants from the mildest form of servitude ever  
 known, and in the ready acceptance of the recom-  
 mendation not to hesitate at theft, robbery and  
 murder, if need be, to accomplish their flight.  
 From this condition of things we can expect no  
 relief if the anti-slavery party succeed in the elec-  
 tion of Mr. Fremont. To defeat their nomina-  
 tion seems to me to be our first duty and greatest  
 interest, and therefore I am ready to adopt that  
 candidate who appears most likely to accomplish  
 this purpose. I add as showing the extreme de-  
 sires of the anti-slavery zealots the following re-  
 marks, reported as having been made lately by  
 Mr. Wendell Phillips. Speaking of the Repub-  
 lican party, he says:

"It is the first sectional party ever organized in  
 this country. It does not know its own face. It  
 calls itself national; but it is not national; it is sec-  
 tional. It is the North arrayed against the South.  
 Henry Wilson said to me, 'We must get every  
 Northern State in order to elect Fremont.' It was  
 almost a recognition of the fact that the Republican  
 party is a party of the North pledged against the  
 South. Theodore Parker wanted to know once  
 where the division would begin? I will tell him—just  
 where that party decides; that is, a Northern party  
 against the Southern. I do not call it an anti-  
 slavery party; it has not risen to that yet. Its first  
 faint recognition was Banks' election."

I have no idea that this is to be considered as  
 showing the general purpose of the Republican  
 party, but I am well satisfied that such opinions  
 are growing in the North, under the constant  
 teachings of such apostles as Mr. Phillips, and  
 the speech shows the tendency of present events.  
 I have been politically opposed to the Demo-  
 cratic party for so many years that I cannot with-  
 out reluctance contemplate the necessity of sup-  
 porting their nominee. Yet it must be admitted  
 that he is a man of abilities and large public ex-  
 perience; that he has been just to the South,  
 not assuming to be a Northern man with

Southern principles; that his inclinations are  
 generally conservative; that he has members among  
 his prominent supporters many gentlemen of tal-  
 ents and patriotic character entitled not only to  
 the confidence of their party but to influence  
 with the country at large; and that many of the  
 old issues between the Whigs and the Democrats  
 are obsolete. If no objections to him are much  
 relied on by his opponents in the South, it has  
 been alleged that he countenanced and promul-  
 gated the charge of bargain and corruption ag-  
 ainst Mr. Clay in the election on the House of  
 Representatives in 1825. I should denounce  
 him for this as readily and as severely as any one  
 if I thought this allegation just. But I remem-  
 ber that this charge against Mr. Clay was made  
 without any direct testimony until 1827, when  
 the Carter Beverly letter led to Mr. Buchanan's  
 being named as a witness; and that he then  
 promptly denied the statement which it was re-  
 lied on to prove, and at the risk of losing Gen.  
 Jackson's favor and that of his party, exonerated  
 Mr. Clay. From the letter which he then pub-  
 lished I extract the following passage:

"I owe it to my own character to make another  
 observation. Had I ever known or even suspected  
 that Gen. Jackson believed I had been sent to him  
 by Mr. Clay or his friends, I should have immedi-  
 ately corrected his erroneous impression, and thus pre-  
 vented the necessity for this most unpleasant ex-  
 planation. When the editor of the United States  
 Telegraph, on the 12th of October last, asked me by  
 letter for information upon this subject, I promptly  
 informed him by the returning mail, on the 19th of  
 that month, that I had no authority from Mr. Clay  
 or his friends to propose any terms to General  
 Jackson in relation to their votes; nor did I ever  
 make any such propositions; and that I trusted I  
 would be as incapable of becoming a messenger up-  
 on such an occasion as it was known Gen. Jackson  
 would be to receive such a message. I have deemed  
 it necessary to make this statement in order to re-  
 move any misconception which may have been oc-  
 casioned by the publication in the Telegraph of  
 my letter to the editor, dated the 11th ultimo."

Again, in 1828, in a speech delivered in the  
 House of Representatives, Mr. Buchanan de-  
 clared that he had no knowledge of the bargain  
 and corruption charged on Mr. Clay. These  
 disavowals may be considered as merely "cold  
 justice" to the great and incorruptible Whig  
 leader, but sorely they contradict most flatly the  
 charge of being his "traducer and defamer." If  
 further proof were needed it may be found in the  
 following remarks recently made in Kentucky,  
 by Mr. Jas. B. Clay, his son.

"Mr. Clay then proceeded to urge upon his old  
 Whig friends, the companions and constituents of  
 his father, to rally around the banner which he had  
 spent his life in upholding—the banner of the Union.  
 He was ready to follow the Whig standard as the  
 Douglas followed the heart of Brumby as long as it  
 waved. But that flag was no longer to be seen on  
 the battle-field. It might yet be unfurled after  
 death; there was the reorganization; but at present  
 there was no Whig organization; and the only party  
 of the Union was that of which Buchanan and  
 Breckinridge were the candidates."

(Mr. Clay referred to the attempt to implicate  
 Mr. Buchanan in the charge of bargain and corrup-  
 tion. On that subject he proposed to take the next

many of his own father, and he read from Mr. Clay's father to show that Mr. Buchanan had conducted himself in that office as a man of truth and honor. He thought before what his father said before others. Besides the evidence he had read, there was other testimony bearing on the same point. In feeling and elegant language he referred to the heavy weight of that charge against his father, and how gallantly and bravely he had borne it. "Thank God," he died before his father, and now he was proud to say that there lived not the man who would whisper it. But Mr. Buchanan was free from all connection with the matter.

Mr. Clay concluded with an eloquent appeal to his fellow citizens, especially Old-Line Whigs, to give their cordial support to the Union ticket—to Buchanan and Breckinridge.

The next great object is that Mr. Buchanan would be unsafe in his management of foreign affairs. I readily admit that I do not like the Ostend paper, and I do not approve certain resolutions adopted by the Cincinnati Convention, notwithstanding the unanimous opposition of the Virginia and Maryland delegates, and I believe of others; and if he should adopt the aggressive policy supposed to be prescribed by that paper and the resolutions, I should be as ready and as earnest in my opposition to him as any one. But he is a man of known caution, which, with his intelligent comprehension of the true interests of the United States, and the responsibility of the Presidential office, which he could not but recognize, would forbid his urging the country upon a course of aggression inconsistent with the spirit of our Government, faithless to treaties, violative of the rights of other nations, and destructive of our own peace, honor, and concord. I know that many of the leading men of his own party are sound and reliable in this respect; and I believe that their conservative influence would harmonize with his own disposition. I am the more assured of this because I observe that in his letter of acceptance there is no recognition of the resolutions, (which were not considered by the Convention as forming a part of the platform,) but, on the contrary, a prudent and conservative tone, which meets with the approbation of even the judicious and experienced Editors of the National Intelligencer—themselves, *par excellence*, the foes of all filibustering. In an additional article noticing Mr. Buchanan's letter of acceptance, they said:

"We may say, however, that Mr. Buchanan's official letter of acceptance, while not expressly repudiating the extreme and exceptionable doctrines foisted into the Democratic confessions of faith by the Cincinnati Convention, does not, by its spirit and tenor, incline us to hope that he means if elected, so to construe those doctrines as to disarm them of their mischievous significance and evil tendency. Indeed we can give no other meaning than this to Mr. Buchanan's declaration when he says that he accepts the resolutions constituting the platform of the principles erected by the Convention in the same spirit as that which prompts his acceptance of the nomination tendered to him by his party, namely, a desire so to discharge the duties of the high office to which he aspires as to ally domestic strife, preserve peace and friendship with for-

eign nations, and promote the best interests of the Republic.

At present the prospect is that the conservative Whig vote will be so divided as to defeat a popular election and throw the decision upon the House of Representatives—at all times an event to be deprecated, but at this period peculiarly pernicious and dangerous, and threatening the rudest shock to our system. What the result will be I will not venture to predict, but I will say that I do not see the least probability of Mr. Fillmore's election by the House of Representatives. I think, therefore, it would be the part of wisdom and patriotism in the Whigs (by which I mean those who have affiliated with no other party,) to throw their votes for Mr. Buchanan as the strongest of the candidates opposed to the Northern Sectional party. This they may do without renouncing their old political faith, without stain of honor or suspicion of apostasy. The motive being the integrity of the Union, the defeat of a party which is founded on geographical discriminations and bound together by dangerous sectional schemes, the act will be vindicated by disinterested patriotism.

For my part, I shall not abjure my political creed, and, having in view but the one object which I have stated, I shall hold myself ready to take any other course which may be necessary to effect that object. Should the hopes of Mr. Fillmore's friends be realized; should it appear that he is more likely to carry the great body of the patriotic, but quiet people, who generally come to the rescue in times of public peril; that he is, in short, the best able to subdue this storm of sectional passion and prejudice, I shall rejoice to see him again filling the chair of State. But I will not affect an unalloyed gratification; for I cannot forget that he is the candidate of a party which has proscribed Whigs who were not members of "the order"—of a party which boasted that it had risen on the ruins of the Whig and Democratic parties, and which has pronounced both of them corrupt.

Whatever the result, I shall be content if the dangerous excitement which threatens our peace and union can be calmed down, so that the extreme opinions which have their roots in prejudice and passion may wither away. Then a liberal forbearance and kindly toleration of different sentiments may resume their influence. If this cannot be done, if the South and the North are to regard one another as enemies, then sooner or later our "house, divided against itself," must fall. Then we shall have to say, with Pantheus—

*Veni summa dies et ineluctabile tempus  
Dardania.*

But ours will be a sadder fate than that of Priam's empire; for it was not the Dardanian people by whom the inevitable doom of Troy was fixed. A foreign foe beat down her lofty walls and destroyed the high renown of Teucer's race; but we shall fall by our own suicidal hands; we will kindle the flames which shall destroy the edifice of our constitutional Union; ourselves will break the bonds of harmonious interest and fraternal concord which have held us together as

people. May Heaven inspire us with wisdom to avert so sad a catastrophe!

Very truly, my dear sir, your friendly friend,  
**JAS. ALFRED PEARCE.**

To the Hon. J. R. FRANKLIN, his excellency and  
governor of Maryland,  
Snow Hill, Maryland.

P.S. I add a letter of Mr. Clay to Gov. Walter  
Colton, which shows his opinion in 1842, of the  
effect of the abolition movements of that day.

ASHLAND, Sept. 2, 1843.

MR DEAR SIR:—Allow me to suggest a subject  
for one of your tracts, which, treated in your popu-  
lar and condensed way, I think would be attended  
with great and good effect. I mean abolition.

It is manifest that the ultras of that party are  
extremely mischievous, and are hurrying on the  
country to fearful consequences. They are not to be  
consiliated by the Whigs. Engrossed with a single  
idea, they care for nothing else. They would see  
the administration of the government precipitate  
the nation into absolute ruin before they would  
lend a helping hand to arrest its career.

They treat, wrest, and denounce most those who treat  
them best, who so far agree with them as to admit  
slavery to be an evil. Witness their conduct  
towards Mr. Briggs and Mr. Adams in Massachu-  
setts, and towards me.

I will give you an outline of the manner in which  
I would handle it:—Show the origin of slavery;  
trace its introduction to the British Government.  
Show how it is disposed of by the Federal Consti-  
tution; that it is left exclusively to the States, ex-  
cept in regard to fugitives, direct taxes, and repre-  
sentation. Show that the agitation of the question  
in the free States will first destroy all harmony,  
and finally lead to disunion, perpetual war, the ex-  
termination of the African race, ultimate military des-  
potism.

But the great aim and object of your tract should  
be to arouse the working classes in the free States  
against abolition. Depict the consequences to  
them of immediate abolition. The slaves, being  
free, would be dispersed throughout the Union;  
they would enter into competition with the free  
laborer—with the American, the Irish, the Ger-  
man—reduce his wages, be confounded with him,  
and affect his moral and social standing. And, as  
the ultras go both for abolition and amalgamation,  
show that their object is to unite in marriage the  
laboring white man and the laboring black woman;  
to reduce the white laboring man to the despised  
and degraded condition of the black man.

I would show their opposition to colonization;  
show its humane, religious, and patriotic aims; that  
they are to separate those whom God has separated.  
Why do the abolitionists oppose colonization? To  
keep and amalgamate together the two races in  
violation of God's will, and to keep the blacks here,  
that they may interfere with, degrade, and debase  
the laboring whites. Show that the British Gov-  
ernment is co-operating with the abolitionists for  
the purpose of dissolving the Union, &c. You can  
make a powerful article that will be felt in every  
extremity of the Union. I am perfectly satisfied  
it will do great good. Let me hear from you on  
this subject.

**HENRY CLAY.**

In response to the communications received  
from many of my brother Whigs, I deem it my  
privilege, in this manner, to counsel with all in  
relation to the course which patriotism and duty  
would seem to indicate as proper in the present  
political crisis.

No lover of his country whose judgment is un-  
biased by party zeal and uncontrolled by North-  
ern or Southern fanaticism, can fail to see the  
pending danger to the Union.

The first duty of every man who loves his  
country and her institutions is to provide for  
their safety. The life of the nation is in danger.  
It must be saved; then, and not till then, will it  
be permissible to us to discuss our differences of  
opinion upon minor subjects.

I say that the life of the Union is in danger,  
because, for the first time in our history, a party  
has been formed composed exclusively of citizens  
of one section of the country, bound together by  
the single bond of an alliance for offensive war-  
fare against the other section. That the success  
of such a party would imperil the Union has  
been recently demonstrated by an address of Mr.  
Fillmore, and will, it is submitted, be apparent  
to all who will bestow a moment's consideration  
upon the existing posture of political affairs.

The value of the slave property in the South,  
is not less than two thousand millions of dollars,  
a sum equal to the value of all the other property  
in the United States, as shown by the last cen-  
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upon the existing posture of political affairs.

again the history of the country, this sectional opposition to Southern rights and interests have ended in nominating, with alleged probabilities of success, a purely sectional ticket for the Presidency and Vice Presidency of the United States. We can no longer shut our eyes to the reality of the threatened dangers; we cannot but feel that the success of such a party would be the death knell of the Union. The patriotic purposes of this sectional party are but too manifest. Many of its supporters avow their object and purpose to be the dissolution and have even gone so far in the madness of their fanaticism as to designate the flag of our country by substituting from its constellation the fifteen stars which represent the slaveholding States, and displaying as the party banner that flag with but sixteen of its stars remaining to represent the sixteen non-slaveholding States. It is manifest that those who disavow the object are not ignorant of the inevitable result; and to still not admit that they are Whigs of Maryland, whom I have the pleasure to address, need no proof to convince them that calamitous consequences would flow from the success of this sectional party. They each regard it as vital that the election of Mr. Fremont, and other administration of the Government, by them upon the principles of his party, would necessarily occasion a dissolution of the Federal Union, to which they have been taught to look as the source of national strength and of individual prosperity and happiness. I do not deny that I have known many Whigs of my State too long, and estimated their patriotism too highly, I have associated with them too intimately, to suppose it necessary for a moment to offer an argument to them in behalf of their country. They appreciate, as fully as I could expect, the horrors of civil war, and they will see the loss of national strength, the internal dissensions, the fatal check to civilization and freedom, the contempt of the world which would be the consequences of such a result. The Whigs of Maryland, who have followed the lead of such patriots as Clay and Webster, will never keep step to any other course than that of the Union. It therefore only remains to inquire what course shall be taken to rebuke sectional fanaticism and preserve our country from the dangers of its success. I have said, and I do not retract, that we are aware that this Republican party, which we all agree must be put down at all hazards, is opposed by two other party organizations, the American, headed by Messrs. Fillmore and Donelson, and the Democratic, led on by Messrs. Buchanan and Breckinridge. You will recollect that Mr. Fillmore, prior to his recent visit to Europe, abandoned the Whig party and became a member of the former of these organizations, which boasted that it had risen upon the downfall of the Whig party, and which proclaimed that the corruptions of the Whig and Democratic parties constituted the necessity of its existence. You know that he and Andrew Jackson Donelson have been nominated by this party (and by the Whig party) for the Presidency and Vice Presidency, and you will admit that the principles of proscription because of religious opinions, and other repudiated tenets of this party, are in direct antagonism with the

principles of that good old Whig party to which we are still attached, and which has been abandoned by Mr. Fillmore. It is not my object in referring to these facts to deny to the American party, since the secession of its abolition adherents, a fair claim to nationality; nor to deny the patriotism and virtue of Mr. Fillmore, nor his eminent qualification for the office of Chief Magistrate. But I do deduce from them the necessary conclusion that as Whigs, we owe no party allegiance to Messrs. Fillmore and Donelson, members and nominees of the American party. I deduce the conclusion that, as Whigs, we are not only in liberty, but that as patriots we are bound by every obligation to our country and posterity, to throw aside, on the one hand, the feelings of hostility which Mr. Fillmore's desertion of our party would be calculated to engender, and on the other hand, to forget for the time our former battles with the Democratic party, and to ask ourselves but one question— which of the two national organizations offers the best guarantee of success in crushing out of existence this new and monstrous sectional party which threatens the life of our country? I do not propose to examine the relative claims of the two national parties, or their nominees to our support. It is not, in my judgment, permissible in the present crisis to interpose our individual differences of opinion upon minor questions. It is sufficient for us to know that the election of either national nominee would secure the Union; and the only question permitted by patriotism is, whether our support of the one or the other would more certainly prove successful. But before I proceed to this inquiry, having shown that no political allegiance to Messrs. Fillmore and Donelson will interpose to prevent the free exercise of our judgment on that side, I propose briefly to inquire whether there is anything to prevent our support of the Democratic nominees, if after investigation, we shall believe that our vote in their favor would more certainly secure the safety of our country. It cannot have escaped your observation that the political principles upon which the Whig and Democratic parties have battled for thirty years, with varied success, have been for the most part settled by the fiat of the people, and that such as have not been so definitely disposed of have been either abandoned by the one or adopted by the other of those parties; so that now the representatives of the people in the halls of State and Federal legislation are found indiscriminately advocating and opposing the same principles and measures. Not only is there no principle of political antagonism which should prevent Whigs and Democrats acting together for the benefit of their common country, but it is confidently submitted that upon the only vital question, that which now agitates and endangers the country, the two parties fully accord. The Whig and Democratic platforms upon the slavery question, in eighteen hundred and fifty-two, were identical; and there being no vital issues before the people, it might be suggested that consistency would rather require that opposite the support of the Democratic nominees by Whigs. The controlling inquiry to the patriot now recurs, which of the two

national organizations can, by his vote be made most efficiently successful?

Every Maryland Whig will be bound by every duty to vote as his judgment shall decide in this question.

It may not be immaterial to observe that many of the national nominees will obtain throughout this broad land any votes which will not be cast by national conservative citizens, and it is to be regretted that in this crisis that vote should be divided between two national candidates whilst the entire anti-national vote will be concentrated upon the sectional nominee.

To judge of the relative strength of the two national organizations it is unnecessary to trace minutely the origin of the American party. It is sufficient to bring to your recollection that it was originally composed, North and South, of the dissatisfied members of the two parties, and that in the North its original members were chiefly those who opposed the conservative principle upon the slavery question avowed in the platforms of the two old parties. It must not escape your recollection that upon the nomination of Messrs. Fillmore and Donelson a large majority of the Northern delegates seceded from the Convention, declared their intention not to support those nominees, and subsequently united in the nomination of Mr. Fremont. This separation of the sectional from the national portion of the American party has occurred in every Northern State in the Confederacy. I deduce from these facts the nationality of the supporters of Messrs. Fillmore and Donelson, and I submit the inquiry for the honest decision of those to whom this paper is addressed, *what non-slaveholding State in this national branch of the American party has shown of the larger portion of its original strength, promises its nominees?* Let the Whigs of Maryland ponder upon the view of this subject I have endeavored to present to their consideration, and no one of them will say that a single non-slaveholding State is certain for Fillmore and Donelson.

Time, I think, will develop the fact that Messrs. Fillmore and Donelson will be left without an electoral ticket in most of the free States, and it is at any rate the deliberate conviction judgment that they will not carry a single non-slaveholding State in the Union. If I might, or even approximate the truth in the light I have taken, it will necessarily follow that the conservative vote for the American nominee North will be equivalent to a vote for Mr. Fremont, as it will be a vote taken from Mr. Buchanan, his only real competitor.

It is clear, then, that to the South alone can the friends of Messrs. Fillmore and Donelson look for the probable chance of an electoral vote; and it is to the States of Maryland, Tennessee, Kentucky and Missouri that they profess to look for their greatest hope of success. It is manifest that if this hope were realized, it might indeed influence the election of Messrs. Buchanan and Fremont by the people, but it would only transfer the election of President into the present Congress of Representatives, composed as that House

is. Does not the election of this same man, after a contest of two months, of a Black Republican Speaker admonish us of the danger of an experiment? Who can doubt that our

political fabric would be shaken to its very foundations by this election of President being thrown upon the present House of Representatives? On the other hand, it is not certain beyond the contingency of a doubt that the vote of the States indicated for Mr. Buchanan, when added to that of the other Southern States, would carry his election and the consequent safety of the Union? It is obvious that in this condition of the canvass the only serious contest is that between Fremont and Buchanan; that the only possible result that the most sanguine of the friends of Fillmore and Donelson can hope to obtain is to carry the contest into the House of Representatives. Who can conceive any thing more fatal to the peace of the country, more insane in political action, than such a course of conduct leading to such a result? Suppose Mr. Fillmore to reach the House of Representatives with the votes of four or five States, (his utmost possible strength,) no man can seriously contend that he would be elected President, and assuredly few will be found bold enough to assert that, under such circumstances, he ought to be. The only effect, then, of giving the electoral vote of any portion of the South to Mr. Fillmore would be to transfer the contest between Mr. Buchanan, and Fremont from the hustings to the House of Representatives; and the danger to our country, now sufficiently menacing, would, in that event, be appalling indeed. Who can contemplate the occurrence of such a contingency without feeling that he would be a traitor to his country if he failed to exert every possible effort to avert so awful a calamity?

I deem it, then, to be my duty, as well as that of all who believe with me that the election of Fremont would be the death-knell of the Union, to unite in the support of Messrs. Buchanan and Breckinridge; and I shall sustain their election to the best of my ability. Whilst I concede that there are certain principles hitherto professed by the party which nominated them that cannot receive our support, yet on the great issues of the constitutional rights of the South, the platform on which they stand meets my cordial approval, and is in accordance with that of the party which I now address, and to whose kind favor I owe the honor of holding the seat I now occupy, and which I shall cease to hold after the 4th of March next by the fiat of that party to which Mr. Fillmore has attached himself, and which is now dominant in the Legislature of my native State.

Let Maryland Whigs remember that the political battle now being fought is one of the deepest interest to them; that the maintenance of the constitutional rights of the South is the issue tendered to the American people by the Democratic party, and (as the Whigs have no candidate) by that party alone; that upon this issue the Republican party have staked the Union, and in such a battle, upon such an issue, they must be true to those who are doing battle in our behalf. It would be indeed sad, if, in such a contest, the conservative strength of the country should not be united: it would be as strange as sad, if, in such a contest, Southern men should not be found battling shoulder to shoulder for the maintenance of their own constitutional rights.

In thus accomplishing what I believe to be a

erty, I should be exceedingly gratified if I shall find myself sustained by the approval of my fellow Whigs, who have refused to abandon either the party or the principles in support of which we shall remain at perfect liberty to reorganize as soon as our common efforts shall have succeeded in averting the perils that now threaten our beloved country.

THOMAS G. PRATT.

### OPINION OF HON. JNO. W. CRISFIELD.

Mr. CRISFIELD, after acknowledging the compliment their presence and call implied, which, he said, was as unexpected as it was unmerited, and expressing his thanks, proceeded, in substance to say: That they all knew his antecedents; that it was well known he had always been a Whig, and under all circumstances, as well in the darkest hours of defeat as in the hour of triumph, had stood under the banner of that party, proud to do battle in its support. He had done so, because the leading principles of that party and the doctrines it proclaimed were just and patriotic, and had, the unqualified approval of his heart and judgment. These principles, in his opinion, so just, so conservative, so consistent with the Constitution, had been so long cherished, and so ardently loved, that he could no more shake them off or change them than he could change his opinions of religion or of morals. And he felt sure that no one expected him to do it. He reavowed them, and declared that as they had been the rulers of his political conduct in the past, so they would be in the future, whenever, from the state of parties and the condition of the country, those principles should be in issue. But unfortunately that was not now; the Whig party was not a party to this fight; Whig principles are not in issue; and Whig candidates were not, and would not be in the field. New parties had been formed, new issues had been joined, and upon these all Southern men could stand side by side. The real contest now was between Southern rights and Northern fanaticism. In this state of circumstances, he felt it to be his solemn duty to lay aside ancient prejudices, and fraternize with that party now organized, and in the field, which in his judgment, offers the best guarantee of its own success and of safety for our national and domestic institutions; and in the performance of this duty, after dispassionately examining the whole subject, he had come to the determination now for the first time publicly announced, to give his support—his cordial and energetic support—to the nominees of the Cincinnati Convention.

Mr. C. said he would briefly assign some of the reasons which had brought him to this determination.

He could not support Mr. Fillmore. He was a supporter of his administration; he thought it one of the purest and best which had transpired in his time; and if it could be restored, as he

thought it was, he would prefer it over all others. He had, too, been an ardent admirer of Mr. Fillmore personally, and if he could regard him now as he formerly had, he would perhaps prefer him for the high office which he once filled, over all others. But he had changed. The painful conclusion had been forced upon him that Mr. Fillmore was not now what he had been. He had become a member of a secret political organization, dangerous in its tendency, destructive of the freedom of political opinion, and at war with the theory of man's capacity for self-government—an organization proscriptive in its character and intolerant of religious freedom, which enforced its jesuitical policy by oaths not authorized by law and demoralizing in their tendency. He is, as we are informed, "a member in good standing of Council No. 177," in western New York. If this be so, as few will doubt, it is a sad truth. Its discovery crimsoned his cheek with shame. In allowing himself to be placed in this position, Mr. Fillmore has been unjust to himself and reckless of his own fame. But this is not all; he has unwhipped himself; he has become a member of an organization which boasts of having arisen upon the ruins, and in spite of the opposition, of the Whig party, and proclaimed in its well considered confession of faith, that it is not responsible for the obnoxious errors and violated pledges of that party. He consents with Andrew Jackson Donelson, the defame of his Administration and the reviler of the Whig party, a Democrat of the stamp most odious to Whigs; and he now demands of us, as Whigs, our support of this extraordinary and anomalous association. At this moment he is carrying the banner of those who conspired for the destruction of the Whig party. With these facts before him, he could not recognize Mr. Fillmore as Whig; he had disrobed himself of that title; he is an alien from the fold, and had not a shadow of a claim, based on old party associations, to the support of the few who still remain constant to the ancient faith.

But if he were willing, in consideration of his services, to overlook these serious objections to Mr. Fillmore, he could not support him without also supporting Mr. Donelson. The two are indissolubly blended; and he would not vote for Mr. Donelson. He had not a single qualification to recommend him for the high place to which he is nominated; and to old Whigs, he is perhaps the most objectionable man who can be named. For his own part, he was not willing to vote for any man for Vice President whom he would be unwilling to trust as President. He had not forgotten the blasted fruit of the Whig triumph of 1840. Who would be willing to see Mr. Donelson President? No one he would venture to say; and yet, if the Fillmore ticket prevails, he may, and probably will be. Twice have the Whigs carried the Presidential election, and on both occasions, scarcely had the shout of triumph ceased to re-echo before they were called upon to mourn the death of their President. What right have we to call upon exemption from a like calamity in the next Presidential term? What guarantee have we that Mr. Fillmore will not also be taken, and if he should be, who is not appalled at

of the duties of that high station devolving on Mr. Donelson? Who does not tremble at the thought of entrusting him with the whole power of this Government; of placing in his hands its army and its navy; of committing to his management its foreign policy; and of leaving to his charge the settlement of the perilous questions of domestic policy which at this moment are rudely agitating the Union of these States and threatening dissolution? He could not vote for Mr. Donelson; and if any one should twist him for supporting Mr. Buchanan because he is a Democrat, Mr. C. would just remind him that Mr. Donelson, also, is a Democrat, with the stain of Know-nothingism and incapacity super-added.

But if he waved these considerations, there were other reasons, still more conclusive, which obliged him at this crisis to give his support to Mr. Buchanan. The contest in which we are engaged, unhappily, is a contest between the North and the South—between abolitionism and free-soilism on the one side, and the preservation of southern rights and the Union on the other. This was the real issue, and he might say the only issue now to be decided—and one of more overwhelming importance was never presented for decision to the American people. On the one side we find the Republicans, led on by Mr. Fremont, sustaining the ultra northern view. The objects of this party are unmistakable; they are humiliating to the South, and destructive of her constitutional rights and material interests. The Republicans deny to her her just share of political power; negative those constitutional guarantees which were intended for protection, and without which she would never have entered the Union. And is there no danger that they may triumph? Already have they obtained control of nearly every State legislature north of Mason and Dixon's line; they have a majority in the House of Representatives, which elect the President in case of the failure of the people to elect; and to preside over the deliberations of that body, they have elected Mr. Banks, who boldly avows, that sooner than abolition and free-soil measures should fail, he would "let the Union slide." The people of the Free States, burning with fanaticism, inflated by these successes, and heedless of constitutional restraints and of consequences, are madly rushing into the Republican ranks with a unanimity hitherto without example; and it may well be feared that even the united energies of all southern men and the conservatives of every section may be too feeble to resist the overwhelming power. The Union trembles under the blows of this sectional strife; God grant that the fearful catastrophe of its dissolution may be averted! The election of Fremont would be its death-knell. If his supporters are strong enough to elect him, they are also strong enough to consummate their designs of sectional aggrandizement and southern humiliation; and in spite of the Constitution, they will assume the power of Congress to legislate our Slavery in the Territories of the United States; they will exclude the South from its just rights in the national domain, abolish slavery in the District of Columbia, repeal the fugitive slave bill and refuse to admit new States

into the Union unless they repudiate slavery. That these measures would follow the election of Fremont he had no doubt; and when they did, the Union would, and ought to be, dissolved. These measures, and each of them, negative important provisions of the Constitution inserted for the security of the South, and if persisted in are just grounds of separation.

Fellow citizens, do you appreciate the dangers which encompass you? He feared we were on the verge of dissolution. Gloom and apprehension shroud the future; our very existence as a nation—as one united people—in all probability depends upon the result of this election. Our institutions are assailed in their most vulnerable part. The torch of the incendiary is blazing; the citadel of the Union is besieged; and this is no time for the garrison to be wasting the time and strength, which should be given to the common enemy, in the indigence of old antipathies and vain disputes; but regardless of the past, and with patriotic devotion, sacrificing on the altar of our common country our ancient prejudices and preferences, we should rally under the standard of that leader who give the best assurance of his ability to preserve the common safety.

If we concede Mr. Fillmore's entire nationality, and that, if elected, his energies would be devoted in good faith to preserve the Union, and quell all sectional discord, what assurance have we that he can be elected? Does any one believe that he can be? He who thinks he can be is blind to the signs of the times. Mr. C. knew very well that in certain quarters studied efforts had been made to produce the impression that his election was certain, and it is quite possible that there are those whose vision does not reach beyond the narrow horizon of Somerset or even of the State of Maryland, who may think so; but the man who comprehends within his view the whole country, and the present state of parties, who has observed for the last half-year the varied and manifold indications of popular sentiment, and is familiar with the spirit of the American press, and can think there is the remotest probability of the election of Mr. Fillmore by the people, has become insensible to evidence. Where is he to get the votes? He is the nominee of the American party, which, if it was even a national party, has long since ceased to be so by the defection of its own members. A large portion of the members from the free States of the convention which nominated him at that time seceded, and went over to the Republicans; and from that time to this the work of secession has been going on, until now it may be truthfully affirmed that the American party, distinct from, and unconnected with the Republicans, has ceased to exist in those States. True, individual members remain firm; but as a party, capable any where in those States, unless it be in the city of New York, of effecting anything, it does not exist. Nor can he expect any important aid in those States from other parties. The Whig party there, for the most part, lost itself in Americanism, and as part of the American party has gone over to the Republicans. Except Choate and Winthrop, and probably Everett, of Massachusetts, he could not name a Whig of New England, of national reputation, who was

not now a Republican. Even the most active and able supporters of Mr. Fillmore's administration have enlisted in the Republican ranks. Dayton, of New Jersey, is the Republican candidate for Vice President; Collamer, of Vermont, is the chosen advocate of Republicanism in the United States Senate; and Corwin, of Ohio, his Secretary of the Treasury, is slumping Indiana for Fremont; and the same may be said of many others of like stamp.

In the free States nearly every Whig of national reputation may now be found among the Republicans. The legislatures of those States are either Republican or Democratic—not Fillmore Americans; in the House of Representatives there are scarcely enough members from the free States who favor Mr. Fillmore's election to fill the cabinet appointments, even if they were of the right material; and if there is one member from those States in the Senate of the United States who favors his election, Mr. C. could not name him. Of the anti-democratic press of those States the same may be said. Out of 91 anti-democratic journals from the free States which exchange with the New York Herald, 78, as we learn from that paper, are for Fremont, and 11 for Fillmore and 2 for Buchanan. Shut their eyes, as the friends of Mr. Fillmore may, the fact is nevertheless true that the whole North and West are either Republican or Democratic; and no reasonable ground exists justifying the belief that he can get a single electoral vote in the free States, unless it be in California, of which he did not pretend to speak. These States will vote for Buchanan or Fremont. Mr. C. greatly feared a majority of them would go for the latter. In the South, Mr. Fillmore may do better. His friends last year carried Delaware, Maryland and Kentucky; if these be accorded to him now, they will not elect him. Can he get any more? Few, if any, think he can; but suppose he gets Tennessee, North Carolina and Louisiana—and his most sanguine friends claim no more in the South—still he is greatly in the minority. Then, he cannot be elected by the popular vote; and every vote thrown for him, with that view, is a vote thrown away. But votes for him may have a different and very mischievous effect. If he carries the States referred to, or even a considerable portion of them, no election probably will be effected by the people, and the election will be referred to the House of Representatives. Will that benefit him?

Certainly not. His strength in that House is the Fuller squad; which, after a two months' struggle could not get a Speaker. But in a Presidential election, when the vote is cast by States, it would have even less effective strength, for they are in the majority in three States only, (Delaware, Maryland and Kentucky,) which would give him three votes only. Then it is equally certain that he cannot be elected by the House. If it goes to the House, Fremont will be elected, or there will be no election. The Republicans were strong enough to elect Banks Speaker; and is there any reasonable ground to doubt their ability to elect Fremont President? They have, it is feared, already fourteen States

and it requires but sixteen to elect. Starting with this immense odds in his favor, and with the patronage of the government at his disposal, in the event of success, his friends will have no difficulty in procuring the additional votes required. He considered, then, all votes given for Fillmore for the purpose of defeating the election by the people, and of throwing it into the House, as votes given to promote Fremont's election; and that those who, under existing circumstances, and with such an object, cast their votes, are unfriendly to the South, and responsible for all the consequences which may follow.

If the friends of Mr. Fillmore could reasonably calculate on his election, or if the contest was between him and Buchanan, he would have nothing to say. He should vote in silence according to his convictions of propriety, feeling assured that, whether the one or the other succeeded, the substantial interests of the country—above all, the safety of the Union—would be preserved. But the contest is not between them; and his being in the field, at least in the Southern States, can be productive of mischief only. While the Free-soil interests are all combined and combining, the South presents a divided front; defeat and humiliation are the certain consequences of these tactics, if persevered in. The real contest is between Mr. Buchanan and Mr. Fremont; one or the other of these must succeed; and, as between them, he held it to be the duty of every Union-loving man—of every man who cherished the honor of the South, and desired her to be preserved in the enjoyment of her constitutional rights and authority—to give the former a cheerful and unreserved support. For one, he intended to do it. The ground Mr. Buchanan occupied on this great question was the true, constitutional and only safe ground; it corresponded with Mr. C.'s long-cherished and oft-repeated opinions; and he should be false to those opinions if he hesitated, at this time, in giving him, and them, his support. He thought that the duty of all Southern men especially. He regretted that many of those with whom he had long acted, his cherished, and familiar friends, thought differently; he regretted not to see them around him to-night, and hear their familiar voices cheering him, onward—the separation pained him. He conceded to them an equal degree of intelligence and patriotism which he claimed for himself; and could only regret that they would not think with him. He believed he was right, he knew he was sincere, and he should act up to his duty, painful though it be. Possibly he might be denounced; better men had been denounced, and he knew of no reason why he ought to expect exemption; but he should not hesitate or falter; he should act up to his principles, and, according to his sense of duty, in the face of all denunciation. He was not afraid to do his duty. He would leave consequences to take care of themselves.

Mr. Crisfield, after having told an anecdote illustrative of his own position, again tendered his thanks to the audience, bid them good night, and retired.

# SPEECH OF JAMES B. CLAY,

DELIVERED AT THE UNION MEETING IN  
MASON COUNTY, KENTUCKY.

Mr. Clay being called for was introduced to the  
assemblage as an Old-Line Whig, and said:

*Ladies and Gentlemen, Fellow-Citizens of Mason  
County.* I present myself before you on this  
occasion under circumstances peculiar and ex-  
traordinary. A candidate for no office in the  
eye of the people, in bad health, I have left my  
home and my occupation as an humble, plain far-  
mer, at the request of those in whose names I re-  
cognize old Whigs and Democrats, to come here  
to-day to cast in my mite and to strike one blow  
for the Union. In all this vast assemblage there  
are perhaps not more than half a dozen persons  
who have ever seen me before, and not that num-  
ber with whom I have the least personal acquaint-  
ance. You have all of you, however, heard  
my name; and all of you have heard the vilest  
charges made against me, designed and calculat-  
ed to destroy whatever little influence I might  
happen to possess as an individual, and to take  
from me the confidence and respect of my fellow  
men. I have been denounced as false to the  
memory of my father, and as a renegade to his  
principles. Fellow-citizens, I was born within  
some throw of the Capitol, in the very house  
in which my father died. Educated under his  
care, the same shades of Ashland in which he so  
much delighted, and under which he had some of  
his noblest inspiration, gave shelter to me in  
my youthful days. I thank God that, by my own  
efforts, I have been able to preserve that spot  
in his family. In my more mature manhood I  
was the companion, the partner, the trusted  
friend of my father. Thus educated and thus as-  
sociated, to be a Whig became a part of my  
nature. I am now a Whig, and I expect to die  
a Whig, as I have lived.

Fellow-citizens you have heard the charges  
and calumnies against me. I am now before  
you, face to face, and you can judge for your-  
selves whether I have the countenance of a false  
and insincere man. There is not one drop of  
false blood coursing through my veins. Num-  
bers of you here present are old enough to re-  
member the River Raisin, and that bloody day,  
when all Kentucky was clothed in mourning.  
One of my race, on that disastrous occasion, pour-  
ed out his life's blood for his country. All of  
you have heard of Buena Vista, and how my no-  
ble brother, covered with a hundred wounds,  
upon his back, surrounded by enemies, so long  
as his feeble arm could raise his sword, battled  
for the honor and glory of the Union and of his  
native Kentucky. None of you can have forgot-  
ten that funeral cortege, which, leaving Wash-  
ington City, passing through half the Union, ar-  
rived at Ashland, amid the nation's tears and  
sorrow—a patriot was brought home to be laid un-  
der the green sod of the land which had so hon-  
ored him, and upon which he had reflected so  
much honor. Fellow-citizens, this is my race—  
these were my people—and with their memories  
always present and clustering around me, I ap-  
peal to you to know whether it is possible for me  
to be false or insincere.

Early in the last year, fellow-citizens, it was  
apparent to all men that the Whig party, as an  
organized party, was gone. The seeds of its fall  
were sown in 1840, when the plane of a military  
chiefman was permitted to dazzle men's eyes.  
But in 1848, when adopting the doctrine that  
availability and success were rather to be looked  
to than right, in lieu of the noble idea that it was  
better to be right than be President, the Conven-  
tion of Philadelphia set the seal upon the fate of  
the party. Refusing to reassert a platform of  
Whig principles, it selected General Taylor as  
its candidate for the Presidency upon the single  
idea of his availability. The hand-writing was  
as plainly upon the wall as at Belsazzar's feast.  
The Whig party broken up, disorganized, and  
apparently hopelessly so, Old-Line Whigs began  
to ask themselves the question which once the  
immortal Sage of Marshfield propounded himself,  
"Where am I to go?" Rumors came to us of a  
party which was said already to have attained  
vast strength, even while many doubted its very  
existence. Secret and mysterious, it was, re-  
peated, like Minerva from the brain of Jove, to  
have sprung forth fully armed. Its purposes  
were said to be the introduction of a purer and  
better state of things in politics, and the good  
only of the country.

Seeing many of my old Whig associates attach-  
ing themselves to it, I was told it was but Whig-  
gery in disguise, and that it only differed from the  
old Whig party in seeking a modification of the  
naturalization laws. I had myself always  
thought that some modification ought to be made  
of those laws, and that greater safeguards ought  
to be placed around the elective franchise. I  
was told that its secrecy, which was abhorrent  
to my nature, was only to continue until the party  
got fairly underweigh, when everything would  
be made open and public. Deceived by men in  
whom I had every confidence, I thought it to be  
my duty to join this new party. I presented my-  
self for admission into the order. Do not be de-  
ceived—I did not get in. The first questions  
that were propounded to me astounded and  
startled me. They were in substance these: I  
do not pretend to quote the very words. Where  
was I born? The place of my residence? Was  
I twenty-one years of age? Was I a Roman  
Catholic? Were my parents Protestant? Was  
my wife a Roman Catholic? Was I willing to  
oppose for all offices of honor, trust or profit,  
in the gift of the people, all foreigners and Roman  
Catholics?

Fellow-citizens, I am not telling you untruths.  
I declare to you upon my honor, and in the pres-  
ence of God, that I believe these to be substan-  
tially the questions which were proposed to me,  
and I appeal to those members of the so-called  
American party, who may be present to answer  
whether I have not stated truly the obligations  
under which they placed themselves in the early  
part of 1855; whatever may now be the doctrines  
of their party, which I do not pretend to know.  
I do not expect them to answer me, but I do ex-  
pect them, when they go to their own homes, to  
make answer to their own consciences, whether  
I have not spoken the truth. Shocked and  
startled, I requested the presiding officer to read  
again the obligation against foreigners and Cath-

olice. It was done, and an attempt made to explain away the force of the clear meaning of the words of the obligation. I observed that I had been mistaken and deceived as to the purposes of the party, or my shadow would never have darkened their door. I took my hat and wished them good morning.

Fellow-citizens, there was once in the middle ages a political society in Europe, and especially in Germany, called the *Illuminati*; one of its practices was that when an individual became partially or fully initiated, and afterward disclosed any of its secrets, two alternatives were offered to the wretched victim—a cord and a dagger were secretly placed by his bed-side, and he might either hang himself or put himself to death with the dagger; if he chose neither of the delightful alternatives, his nearest relation, even his own brother, if a member of the society, was bound to take his life. Fellow-citizens, all secret political societies are alike. In this age, since letters and the press are come about, the cord and the dagger are no longer used; a venal press affords a far more potent weapon and more vindictive punishment. By falsehood, by calumny, by libel and detraction, not only may the heart of the victim himself be torn in pieces, but the feelings of his wife, his mother, his children, of his whole family are reached and lacerated for vengeance sake. Fellow-citizens, such persecution I myself have undergone, and you know it.

I could not reconcile it to my conscience to become a Know-Nothing, because I believed the principles of the party to be antagonistic to civil and religious liberty, and dangerous to our republican institutions. Throwing out a banner inscribed, "Americans only shall rule America," they appeared to me like the veiled Prophet of Khorassan, who, concealing his horrible visage behind a silver veil, erected shrines

"Where faith may mutter o'er her mystic spell,  
Written in blood, and bigotry may swell,  
The veil he spreads for Heaven with blasts from Hell."

I could not become a Know-Nothing—"where shall I go?" Fellow-citizens, I turned my thoughts back to the old party of my father. I knew its principles to be true; some of its practices had been bad; but I believed its principles, once true, they must always be so, for truth cannot die. They told me that the party was dead, but I believed that the party was only after the death that the resurrection could come. In concert with some of my Whig brethren, we determined to strive after its resurrection. There was no meeting calling itself Whig in all my region of country, which I did not attend. There was no Convention at which I was not present. Every effort to resuscitate the old party, which could be made was made. The result was the Convention at Louisville on the 3rd of July. It was then resolved to be inexpedient to present Whig candidates for the highest offices for the suffrages of the people; and it was determined that, having asserted our old principles, it was proper that each individual should be left free to make his own choice according to his own conscience and his own principles, for the good of his country.

Fellow-citizens, I have followed the Whig standard so long as it fluttered in the breeze. I

would have followed it always, and I always expect to maintain Whig principles. Like an eloquent Old-Line Whig of Missouri, now acting with the Democrats, "I have surveyed the whole battlefield, but I find no Whig banner under which to fight." Like him, I am forced to the conviction that the old Whig flag lies furled upon the tomb of my father.

Fellow-citizens, the country is in danger. In 1820 our wisest and best statesmen told us there was great danger from the question of slavery. For the purpose of putting it at rest the so-called Missouri Compromise was made, but it did not settle the question. Again, in 1849-50, it raised its horrid front. Fortunately for the country, at that time there were then at Washington, men of giant race, who could see and appreciate the danger, and warn the country of it. Do you not recollect how the black cloud, at like a leaden pall upon the hearts of men—how the bravest trembled for the Union? Do you not remember with what anxiety all eyes were turned to Washington—with what trembling eagerness you listened for every scrap of news? At last the tidings came that the Compromise measures of 1850 had been passed, although in detail. Have you forgotten the rejoicings throughout the whole land? How the bells rung, and the glad shouts went up to Heaven in gratitude that the country was safe? How vain and how futile were the hopes of the best and wisest of men. Scarcely are some of the principal actors in those noble scenes cold in their graves, when again the black cloud is upon us. The country is in danger. The Black Republicans of the North, determined to carry out their designs against the South at all hazards, and at every risk, have nominated purely sectional candidates for the Presidency and Vice Presidency. North against South—union or disunion—this is the question now before you, and you cannot avoid it. It is not I alone who tells you so. Americans, as you choose to call yourselves Old-Line Whigs, it is Mr. Fillmore also who tells you so. Hear what he says in his Albany speech, recently delivered—a speech so patriotic and honorable to him.

"Sir, you have been pleased to say that I have the union of these States at heart. This, sir, is most true, for if there be one object dearer to me than any other, it is the unity, prosperity and glory of this great Republic; and I confess frankly, sir, that I fear it is in danger. I say nothing of any particular section, much less of the several candidates before the people. I presume they are all honorable men. But, sir, what do we see? An exasperated feeling between the North and South, on the most exciting of all topics, resulting in bloodshed and organized military array.

"But this is not all, sir. We see a political party presenting candidates for the Presidency and Vice Presidency, selected for the first time from the free States alone, with the avowed purpose of electing these candidates by the suffrages of one part of the Union only to rule over the whole United States. Can it be possible that those who are engaged in such a measure could have seriously reflected upon the consequences which must inevitably follow in case of success? [Cheers.] Can they have the madness or folly

believe that our Southern brethren would submit to be governed by such a Chief Magistrate? [Cheers.] Would he be required to follow the line prescribed by those who elected him in making his appointments? If a man living south of Mason and Dixon's line, be not worthy to be President or Vice President, would it be proper to select one from the same quarter as one of his Cabinet Council, or to represent the nation in a foreign country? Or, indeed, to collect the revenue or administer the laws of the United States? If not, what new rule is the President to adopt in selecting men for office?

These are serious, but practical questions, and in order to appreciate them fully, it is only necessary to turn the tables upon ourselves. Suppose that the South, having a majority of the electoral votes, should declare that they would only have slaveholders for President and Vice President, and should elect such by their exclusive suffrages to rule over us at the North, do you think we would submit to it? No, not for a moment. [Applause.] And do you believe that your Southern brethren are less sensitive on this subject than you are, or less jealous of their rights? [Tremendous cheering.] If you do, let me tell you that you are mistaken. And, therefore, you must see that if this sectional party succeeds, it leads inevitably to the destruction of this beautiful fabric, reared by our forefathers, cemented by their blood, and bequeathed to us as a priceless inheritance.

Tell you, my friends, that I speak warmly on this subject, for I feel that we are in danger. I am determined to make a clean breast of it. I will wash my hands of the consequences, whatever they may be; and I tell you that we are treading upon the brink of a volcano that is liable at any moment to burst forth and overwhelm the nation. I might by soft words hold out delusive hopes, and thereby win votes, but I never can consent to be one thing to the North and another to the South. I should despise myself if I could be guilty of such evasion.

I believe every word that Mr. Fillmore says. *As surely as the sun shines the country is in danger.* I have a high respect for Mr. Fillmore, and if he stood precisely where he did in 1850, I should prefer him to any man for the Presidency. Even as it is, personally I prefer him to either of the other candidates. But, fellow-citizens, there is no living man whom I love so well as I do that great Union of States—my country—for which my father gave his life. Mr. Fillmore has given us good advice—advice which accords with my own judgment; he tells us that the Union is in imminent danger; he leads us to believe that the probabilities are that if Mr. Fremont is elected, the Union will be dissolved; and not into two parts, but shivered into fragments! Old-Line Whigs, what is our duty? It lies with us to save the Union. The candidates of the Black-Republican party must be defeated, else, as Mr. Fillmore tells us—as we have been told by the greatest statesmen since 1820—the Union is in dire and imminent peril. For me, I am for the preservation of the Union. Destroy all the parties now in existence, but for God's sake—for the sake of human liberty—save the Union. I have no faith in the sincerity of that man who, with his mouth

full of protestations of love for his country, and for the memory of my dead father, cannot lay his personal prejudices and predilections upon the altar, a willing sacrifice for the salvation of his country.

How are we to defeat Fremont? We cannot elect both his opponents. Neither of them—neither Mr. Fillmore nor Mr. Buchanan—is presented for the suffrage of Old-Line Whigs, upon a pure Whig platform. There are principles avowed and maintained by both the parties of which they are representatives, which we do not approve. It is necessary for us to choose between them, whichever is most likely to defeat the Black-Republican candidate; and in making this choice it is not necessary for us to indorse or to give in our adhesion to the principles which either represent. I believe that the Union would be safe with either; and it is our duty to save the Union if we can. The question for us is resolved into a mere question of chances, which is the most likely to succeed according to our best light, Mr. Fillmore or Mr. Buchanan?

Fellow-citizens, I have made my choice. Looking over the whole country, not confining my view to my own State, or to my own locality, not suffering myself to be influenced by partisan journals or by partisan orators—I am deliberately convinced that Mr. Fillmore has not the least chance of success, and that if it be at all possible to defeat Fremont, the Democratic party, with their candidates Buchanan and Breckinridge, with the aid of the Union-loving Old-line Whigs, is the only party which has the least chance to do so. Show me a State certain or nearly certain for Fillmore, and I will show you two for Buchanan. I hold in my hand authentic results of the last elections, from which alone we can form reliable conclusions. From these it appears that, while twelve of the Southern States are almost certain for Buchanan, Mr. Fillmore has, at the best, but doubtful chances for the remaining three. Thus, Mr. Buchanan presents himself with almost the whole South in solid phalanx. At the North his count of States is to the full as good, and in my opinion much better, than Mr. Fillmore's; besides, we Whigs know well, and to our cost, the wonderful tenacity of the Democratic party—how it has held together and had success when we most confidentially expected its defeat.

I know, fellow-whigs, how difficult it is for you to get rid of old prejudices, either of attraction or repulsion. I have not forgotten, however, that upon a question of mere availability, the Whigs of Kentucky were able, through their delegates at Philadelphia in 1848, to give up their idol, the man whom they loved, and who loved them and who had done so much for the honor of Kentucky, that whenever Kentucky's name was mentioned, at home or abroad, his name at once arose before the mind's eye, and whenever his name was mentioned, Kentucky appeared. Fellow-whigs, do you love Mr. Fillmore so much better than you did Henry Clay that you cannot make the same sacrifice of your predilections for one that you did for the other upon much less occasion?

But, fellow-citizens, I am often asked how it is possible that I, my father's son, can reconcile it to myself to vote for Mr. Buchanan, who, they

say, had so seriously injured and wronged my father by originating, or, if not originating, by being complicated with and mixed up in some way or other with that vile old charge of bargain and intrigue betwixt him and Mr. Adams. In nine cases out of ten the persons who in my presence refer to that affair, know absolutely nothing about it, and when I refer them to authentic records, they are too much prejudiced, and love to be prejudiced too well, to allow them to make the most ordinary examination. I have fully and carefully studied the whole history of the bargain and intrigue slander, with the express purpose of ascertaining the truth or the falsity of the charges made against Mr. Buchanan, and the result of my research has been, that as an honest man, I am bound to acquit him of having had any part in the original slander, or having done my father any wrong, when he was summoned before the public as a witness against him. I am bound to acquit him upon the testimony of the very person whom he is said to have wronged and slandered, and however little partisan editors and partisan orators may esteem the evidence of my father himself, it is abundantly sufficient for me his son. The charge of bargain and intrigue was first made by Mr. Kremer, in an anonymous letter, subsequently reiterated by Carter Beverly, in his celebrated Fayetteville letter, and finally asserted by General Jackson, who assumed the responsibility of it, and to prove its truth, summoned Mr. Buchanan before the public as his only witness. Mr. Buchanan promptly responded to the call for his testimony. Did he sustain Mr. Kremer, Carter Beverly and General Jackson, the last of whom had summoned him? On the contrary, his evidence was clear and distinct, and fully exculpated Mr. Clay from the charges made against him. So Mr. Clay regarded it himself, and he, the person accused, testified publicly and privately, that he considered Mr. Buchanan had done him no wrong. I read to you from *Colton's Private Correspondence* of my father, his private letter to his old friend, Judge Brooke of Virginia—the friend of his life-time—a letter never intended for publication, dated August, 1827, in which, referring to Mr. Buchanan's Lancaster letter, he says, "I could not desire a stronger statement." Again in public, upon the occasion of a dinner given him in Washington on his retirement from the office of Secretary of State, he said:

"That citizen (General Jackson) has done me great injustice. It was inflicted, as I must ever believe, for the double purpose of gratifying private resentment and promoting personal ambition. When, during the late canvass, he came forward in the public prints, under his proper name, with his charge against me, and summoned before the public tribunal his friend and only witness, Mr. Buchanan, to establish it, the anxious attention of the whole American people was directed to the testimony which that witness might render. He promptly obeyed the call, and testified to what he knew. He could say nothing, and he said nothing, which cast the

slightest shade upon my honor or integrity. What he did say was the reverse of any implication of me."

Thus, fellow-citizens, we have the private and public opinion of my father respecting the testimony of Mr. Buchanan upon the charge of bargain and intrigue. I know that my father would not have expressed such opinions unless he believed them to be true. He was satisfied with Mr. Buchanan, and so expressed himself privately and publicly; that is enough for me, and so far as I am concerned, it is of the smallest possible consequence what may be the opinion of those partisans who are now endeavoring to strike down their political opponent with weapons dragged from the tomb.

Fellow-citizens, you are aware you cannot vote for Fillmore alone. You must know that in voting for the electoral ticket of Mr. Fillmore, you also vote for Andrew Jackson Donelson, as in voting for that of Mr. Buchanan, you vote for John C. Breckinridge. Mr. Fillmore himself became President by one of those dispensations of Providence which may likewise cause Mr. Donelson to fill the chair, if their ticket were successful. Between Donelson and Breckinridge I could not hesitate for a single instant. I know Major Breckinridge well; he is not only my fellow-Kentuckian, but my fellow-townsmen also. We have differed in politics, but I have never heard but one opinion expressed of him—that he is an honorable, high-toned Kentucky gentleman. It affords me very great pleasure to relate to you an incident which occurred in my presence, and which afforded as much gratification to my father as it was honorable and creditable to Major Breckinridge. Very soon after his first election to Congress, Major Breckinridge called upon my father, and I was present at the interview. "Mr. Clay," said Major Breckinridge, (of course I can only give the substance,) "I have been elected from your old district, and am about to go, quite a young man, to Washington City. We have always differed, sir, in politics, but I have ever entertained the highest respect for you. I have no doubt but I shall often have occasion for good advice, and if you will allow me, sir, to do so, it will afford me great satisfaction to call freely upon you at Washington, and to be enabled to avail myself of your wisdom and great experience."

Between such a man as this and Andrew Jackson Donelson, I, at least, fellow-citizens, would have no difficulty in making a choice.

Fellow-citizens, I have already occupied more of your time than I had any right to expect would be given so attentively to every word that I have addressed to you. I thank you from the bottom of my heart. I trust that you will allow me, on taking my leave of you, to indulge the hope that my effort to direct your attention to the imminent danger which threatens our glorious Union may not be wholly without avail, and that you will, at any rate, fellow-citizens, believe me in what I have said to you, to have been perfectly and entirely sincere.

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LETTER

OF

EX-PRESIDENT VAN BUREN.

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JUNE 28, 1856.

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## Letter of Ex-President Van Buren.

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LINDENWALD, June 28, 1856.

GENTLEMEN :—I feel myself honored by the invitation of the Tammany Society to unite with its members in their annual celebration of the anniversary of the adoption of the Declaration of Independence. There is no portion of my fellow-citizens with whom it would give me more pleasure to be associated on an occasion so dear to the American heart, because I know of none who have more faithfully adhered to the spirit of that immortal document. I therefore the more regret that I am deprived of that gratification by advanced age, and my distance from your place of meeting.

You have been pleased to bring to my notice the re-union of the two sections of the Democratic party, and by necessary implication, the objects to which their combined energies are to be directed in the approaching Presidential Election. The Committee of Arrangements for the meeting lately held in your city, to ratify the Cincinnati nominations, honored me with an invitation. Hoping that the notoriety of the fact, that I had for several years declined to take part in political meetings, might, by friends whose indulgence I had so often experienced, be deemed sufficient excuse for the seeming discourtesy, and being, moreover, earnestly desirous to avoid any participation in the partisan discussions of the day, I ventured to allow their note to pass without a reply. To leave a second invitation, of substantially the same import, and coming virtually from the same source, unanswered, might, I fear, in the estimation of those whose opinion I can never cease to respect, expose me to the suspicion of being desirous to conceal my sentiments upon the political questions before the country. I shall, therefore, with a settled purpose that this letter, as it is the first, shall also be my last appearance in the canvass, save only at the ballot-box, to deposit my vote, give you my views upon the subjects referred to without reserve.

I am happy to receive your assurance that the too long dissevered sections of the Democratic party in this State, have, upon the principles you describe, and in which I fully concur, "become united into one compact body." No free country can ever be without political parties; and among the devices of mere factions there never has been one more sinister and deceptive in its character and objects, than the no party cry which is ever and anon declaimed from our political stage. That party to which we have all been so long attached, has doubtless, not been always perfectly right in its movements, because perfection does not appertain to man or to associations of men. But, with this qualification, I think I venture nothing in saying, that of all the

political parties which have arisen in this or any other country, there has not been another, in the formation and history of which, there have been such exclusive regard and devotion to the maintenance of human rights, and the happiness and welfare of the masses of the people. It had its origin in the necessity of an effective union of the root and branch friends of the Republican system to preserve the fruits of our Revolutionary struggle, by preventing the Federal Constitution from being perverted to purposes neither contemplated by those who framed it, or anticipated by those who ratified it, but hostile to the republican principle upon which it was founded. It has for more than half a century employed itself perseveringly and successfully, in resisting the revival of heresies which it had defeated in the first stages of its existence, and in maintaining the sanctity of the written Constitution, without which our form of government must prove a delusion and a mockery.

Almost unaided by its political rival, it carried our country through the war of 1812, the result of which contributed more to elevate our national character and to increase our power, than any other measure or series of measures since the recognition of our Independence. It has, after a protracted and severe struggle, not only relieved the country from the incubus of National Banks, but forever exploded the idea of the necessity of such institutions, and established a constitutional system for the safe keeping of the public moneys, and the performance of duties for which a National Bank was claimed to be indispensable; this system, after having been the leading object of the fiercest partisan assaults, having by its salutary action won not merely the acquiescence, but the positive favor of all parties, a result which it may with truth be said, has not been realized by any other public measure that encountered similar partisan hostility, since the adoption of the Constitution.

But the limits of a letter will not admit of an enumeration, much less an examination, of the advantages secured to the country, by the rise and progress of the Democratic party. To restore and preserve the unity of a party which can boast of such a history, may, very properly, be regarded as a matter of National concern, especially in respect to the influence it is, when united, capable of exerting in a State to which has been conceded the high honor of having, by its unexampled exertions and complete success, secured the republican triumph in the civil revolution of 1800—which has, on subsequent occasions, rescued the Democracy of the Nation from impending defeat, by interposing in its favor a vote which no other State could give, and without the support of which no man has yet reached the Presidential office.

It needed not our recent experience to show that occasional disruptions of party ties are unavoidable in respect to all political associations. While they continue, discomfiture and humiliation are the portion of the disjointed sections. Of these, you have on both sides had your full shares, and justice to yourselves as well as to the general interest, required that you should put an end to them by a re-union, whenever that could be accomplished without dishonor. There is no reason to question the good faith with which the conflicting opinions that lay at the foundation of our divisions were entertained; and we would have been more than men, if in enforcing our respective views, in moments of great excitement, there had not been faults on both sides. You have well decided to forget past collisions, and to enter upon a generous rivalry in the sacrifice of personal feelings upon the altar of harmony. This is the best, if not the only way, in which such re-union can be made effectual.

The subject upon which we have differed, is that which now furnishes the leading issue between the principal parties in the coming election, and to which all other matters have become subordinate—that of slavery in the Territories. My own course in regard to it has been one, by the record of which I shall always be willing to be judged, whenever and wherever the acts of an

individual are deemed of sufficient importance to attract attention. The same thing can, I doubt not, be said by those of you who have differed from me, and there we must leave that matter. We cannot control each other's opinions, when arguments fail to convince, and should not desire to do so if we could. I have, from the beginning, preferred the mode of dealing with the subject of slavery in the Territories adopted at an early day by the founders of the Government, and continued to a recent period, and have uniformly resisted a departure from it. No man in the country can have been more sincerely opposed to the repeal of the Missouri Compromise. I was informed of it under circumstances calculated to make an American most sensitive in regard to all domestic acts from which he thinks there is reason to apprehend danger to the perpetuity of our political institutions—in a foreign land, surrounded by the subjects and advocates of despotic power. Deeply sensible of its injustice, and foreseeing the extent to which the measure would re-open slavery agitation—the deleterious effects of which few were more capable of appreciating than myself—I did not hesitate to condemn the act. But the measure has been accomplished, and the question that presents itself to those who agreed with me in that condemnation is, what is the best step to be taken next in the matter with reference simply to the public interest? The propositions brought into view by the principal parties in the approaching election, consists of: 1st. The restoration of the Missouri Compromise; 2d. The settlement of questions relating to slavery in the Territories by the direct legislation by Congress; 3d. The immediate admission of Kansas as a Free State, under the Topeka Constitution; and 4th. The execution of the Nebraska-Kansas Act without regard to the latter movement.

Upon each of these propositions I will say enough to possess you with my views in regard to them.

It is worthy of remark that, notwithstanding the seeming fitness of the form of redress embraced in the first proposition, there has not, from the beginning, been anything like unanimity in opinion on the part of those most opposed to the repeal of the Missouri Compromise, in favor of making its restoration a principal issue in the contest. This has doubtless arisen in part from a distrust of success, founded on the political condition of the Senate, the length of time it must take to press the point with a hope of its accomplishment, and the weight of influence the proposition must encounter. But other considerations have, I believe, contributed to this result. The only Territories left for the Missouri Compromise to act upon, if it were restored, are those in Texas and in Kansas. The restoration of the Compromise, if effected, might come in season for the conversion of the Texas Territory into a slave State or States, but one can scarcely doubt that the Kansas question will have been settled before that of the restoration of the Compromise, with however much energy the latter might be urged.

Of the restoration of the old mode of settling such questions, I will speak hereafter.

The Convention which framed the Topeka Constitution was convened without specific authority from Congress, in despite of the will of the Territorial Government, which is recognized as legitimate by the Federal Executive, and did not even profess to represent more than a part of the people of the Territory. But the objections to the admission of a new State into our Confederacy, organized under the circumstances, are sought to be removed by the grave charges that the legislative branch of the existing Territorial Government was not chosen by the people of the Territory, but by lawless, and, in some instances, armed intruders from Missouri, who interfered in the matter, with a design to make the Territory a Slave State, against the wishes of the majority of the people thereof—that a redress of this grievance, through the instrumentality of the judiciary, is, for reasons assigned, imprac-

feasible, and that the President and Territorial Governor appointed by him, desiring to promote the policy of the Missouri invaders, refused to extend to the actual resident of the Territory the protection, in respect to the exercise of the right of suffrage, to which they were entitled under the organic law.

I do not think it necessary, in the views I have taken of the subject, to enter into a discussion of the truth of these charges. Congress doubtless possesses the constitutional power to dispense with the preliminary steps which have usually been required for the admission of a State into the Union. But considerate men will, I think, admit, that even assuming these charges to be in the main, well founded, Congress ought not to be asked to act in so summary a way, and upon so grave a matter, except as a last resort, and after every attempt to secure to the Territory a peaceable and regular State organization have been exhausted. The case before us has not yet, I think, arrived at that condition, and this brings me to the consideration of the fourth proposition, viz. the carrying out of the Nebraska-Kansas Act.

I am free to confess, that I have for some time past regarded this act with more favor, than I did when it was first presented to my consideration as the instrument by which the Missouri compromise was overthrown. This may have arisen from the fact that I have felt myself compelled to regard it as the only attainable mode by which the country can hope to be relieved from the injurious and demoralizing effects of slavery agitation; or it may have been produced by the great unanimity with which its principles have been adopted in all parts of the country, by a political party, in which I have been reared, and upon the maintenance of which, in its wonted purity, I conscientiously believe the future welfare of the country will depend. I believe also, that the people of the Free States, when the resentment justly excited by the repeal of the Missouri Compromise has subsided, and more especially when they shall have witnessed a fair and peaceable execution of the provisions of that Act, will generally regard it as a mode for the settlement of slavery questions, by which they will stand a better chance to have their feelings and opinions upon the subject respected, and one less exposed to extraneous and improper influences, than has been the case with specific congressional legislation. I have not the leisure, if I deemed it necessary, to assign the reasons which have brought my mind to this conclusion. The points in regard to the measure itself can be stated in a few words. The authority of Congress to transfer to the people of the Territories all the power it possesses under the Constitution to legislate for the Territories, has, as far as I know, never been questioned. It has been exercised from the commencement of the Government, in respect to all the proper subjects of legislation, from the highest to the lowest. Not having a copy of the Nebraska-Kansas Act, I take its provisions in regard to the authority it professes to confer, from Mr. Buchanan's admirable letter of acceptance, where the subject is, I doubt not, fairly presented. He thus describes it: "This legislation is founded upon principles as ancient as the Government itself, and in accordance with them has simply declared that the people of a Territory, like those of a State, shall decide for themselves whether slavery shall or shall not exist within their limits; \* \* \* declaring it to be the true intent and meaning of this act not to legislate slavery into any Territory nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States."

From these terms it is too clear to admit of dispute or cavil, that it was the intention of Congress to clothe the people of the Territories with ample power to exclude slavery from within their respective limits, as well while they continued Territories as in making provisions for its exclusion from the State when that transition shall take place. The only question that can be

raised upon the act in this regard, must relate to the effect of the grant; that is, whether the Constitution authorizes Congress to clothe the people of the Territories with a power to exclude slavery therefrom, while they remain Territories. I have not the slightest doubt of the power of Congress to give this authority to the people of the Territories. But it is, I think, quite certain, that if the objection raised in behalf of the Slave States in respect to legislation for the government of the Territories is well founded, that objection could not be obviated, either by the restoration of the Missouri Compromise, or by the re-adoption of the old mode of settling the question of slavery in the Territories, by the direct legislation of Congress. Whether these questions are settled by the act of the people of the Territories, or by the direct legislation of Congress, or by the restoration of the Missouri Compromise, (so far as they would reach,) the validity of the settlement in each case, and to an equal extent, rests upon an Act of Congress and upon the constitutionality of that Act; and this would, of course, have been the case if the Nebraska-Kansas Act had not recognized in terms the subjection of the powers it intended to grant to the Constitution.

Mr. Buchanan, in his letter of acceptance, pledges himself to the people, "should the nomination of the Convention be ratified by the people, that all the power and influence constitutionally possessed by the Executive shall be exerted in a firm, but conciliatory spirit, during the single term he shall remain in office, to restore the same harmony among the sister States which prevailed before the apple of discord, in the form of slavery agitation, had been cast into their midst." He knows that this pledge can be redeemed in but one way, and that is, by securing to the *bona fide* settlers of the Territory, if matters should be allowed to remain as they now stand, the full, free and practical enjoyment of the rights intended to be granted to them by the organic act, including that of free suffrage; and no one will understand better than he, that nothing short of the substance of those rights would answer the purpose, or satisfy the excited and vigilant scrutiny of those who will watch every step that is taken in the matter. Doubts were, at one time, thrown out—I know not from what quarter—in regard to the power of the Executive to give this security; but affairs now in progress, show that these doubts, if they ever existed, have been dispelled. The Constitution makes it the express duty of the Federal Executive to see that "the laws are fully executed;" and he is clothed with powers adequate to its performance.

Will Mr. Buchanan, if elected, redeem his pledge? I believe he will, and therefore I will cheerfully support him. All that can be asked of him is to do equal and exact justice to every section of the country—to exercise the high powers with which he will be invested to secure the object in view, as well because it will be right so to do, as because there may be reason to fear, that the existence of the Government itself may depend upon his securing it. So much has been said in regard to the dangers with which the Union is threatened, as to require no inconsiderable effort on the part of an earnest man, to touch upon the solemn theme, for fear he might be suspected of a desire to prostitute it to comparatively petty purposes. But all must admit it to be certain, that there never was a period in the history of this Republic, when sectional animosities were so rife, or had, to so great an extent, inflamed the masses of the people. If the Confederacy shall prove strong enough to withstand these torments of bitter waters, it will afford the best evidence that the love of union is as deeply impressed upon the American heart as its most sanguine friends have imagined it to be. I see good grounds for hope, that such may be the happy issue out of our present alarming condition, in the prospect of Mr. Buchanan's election. He is neither an untried man, or one of ordinary stamp. He has for a long time been favorably known to the public service, and comes before the country with a character already formed, and

a mind thoroughly trained in the school of experience. In regard to the future action of such a man, his constituents are not left to conjecture and hope, but may form positive opinions. He has established a foreign reputation, in regard to which he cannot fail to be solicitous. He has, with characteristic good sense, relieved himself from the imputation of being influenced by a desire to conciliate any special or partial interest, with a view to a reelection, and his acts from misconstructions, which the suspicion of being so influenced might engender. That a man with such antecedents, and occupying such a position, acting in a matter of sufficient interest to attract the attention of the world, and in the presence of a free and intelligent people, among whom he was reared and expects to spend the evening of his life, can fail to perform his entire duty, when the path that leads to it is so plain, that "the wavering man, though a fool, could not err therein," is a consummation that I am very certain can never be realized.

I am very truly yours,

MARTIN VAN BUREN.

To Messrs. Murphy, Shepard, Fowler, Kelly, Wheelan, Purdy and others,  
Committee of Arrangements of the Tammany Society.

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WILLIAM RICE, PRINTER, 46 SOUTH THIRD STREET, PHILADELPHIA.

**SPEECH**

OF

**HON. ALEXANDER H. STEPHENS,**

**OF GEORGIA,**

ON

**THE BILL TO ADMIT KANSAS AS A STATE**

**UNDER THE TOPEKA CONSTITUTION.**

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**DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 23, 1856.**

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**WASHINGTON:  
PRINTED AT THE CONGRESSIONAL & LOBBY OFFICE.  
1856.**

## ADMISSION OF KANSAS.

The House having under consideration the bill reported from the Committee on Territories, providing for the admission of Kansas into the Union as a State, with the constitution prepared at Topeka by the free-State party:

Mr. STEPHENS said: I propose, Mr. Speaker, before I proceed to what I have arisen mainly to say on this occasion, to ask the consent of the House to allow me now to offer the amendment which I stated yesterday I wished to propose to the bill now before us.

Mr. WASHBURN, of Maine. If the gentleman asks that consent now, I shall object to it, as I shall at all times.

Mr. STEPHENS. On the motion to commit the bill to the Committee of the Whole on the state of the Union, the amendment is not in order, unless by unanimous consent.

Mr. WASHBURN. I understand that to be a side measure, intended to destroy the bill, and I shall object to it now, and at all times.

Mr. STEPHENS. I state to the gentleman that I have no side blows for this bill, nor is my amendment intended as any *side measure*. I wish my proposition to come distinctly before the House as a substitute for the pending bill. I am opposed out and out to this bill as it now stands. I want no misunderstanding on that point. I will, however, vote for the substitute; and what I want is a direct vote between the bill now pending, and the substitute offered as an amendment. But as the gentleman from Maine will not allow me to offer my proposition as an amendment, I now move to amend the motion to commit this bill to the Committee of the Whole on the state of the Union, by adding to it, "With instructions to report this amendment in lieu of the original bill;" in other words, with instructions to strike out all in the original bill, and to insert my amendment in lieu thereof. That is the motion which I submit to the House, and upon it I shall proceed with what I have to say.

It is immaterial to me, Mr. Speaker, if I can get a vote in the House on the proposition submitted by me, whether it goes to the Committee of the Whole on the state of the Union, or not. I am

myself prepared to vote on it to-day, either in the House or in the Committee of the Whole on the state of the Union. But I am inclined to think that it had better go to the committee. We can then take up this amendment, and consider it in detail. It may be some gentlemen would suggest modifications, which I would accept. We can then discuss the merits of the original bill. Its friends can amend that, if they wish. My amendment can be put in such form as a majority of the committee may desire, if a majority be favorable to its objects. I therefore shall vote for the reference. But the gentleman from Ohio [Mr. CAMPBELL] the other day said, that the motion to refer or commit, made by the gentleman from Indiana, [Mr. DENN,] and which is now pending, was equivalent, if successful, to a defeat of the bill. The gentleman from Maine [Mr. WASHBURN] also followed in the same line. Now, I told these gentlemen, day before yesterday, and I state it again to the House, that I do not consider the motion to commit the bill to the Committee of the Whole on the state of the Union, if carried, as equivalent to a defeat of the measure at all. By no means, sir. What is the argument of those who say a reference of the bill is tantamount to its defeat? Nothing better than this, as argued by the gentleman from Maine, to wit: that all the friends of the Kansas bill, two years ago, when that bill was referred to the Committee of the Whole on the state of the Union, considered it as equivalent to its defeat. That is his argument, and the authority adduced by him to sustain it. Sir, it is immaterial to me what certain friends of the Kansas bill may have thought would be the effect of its reference, when it was referred. If they considered that reference as equivalent to its defeat, the sequel showed that they were in error. That is all. It was referred. It was considered two weeks in committee, and it was then passed.

Mr. WASHBURN. Will the gentleman allow me to say that that was simply because they broke down the rules of the House in two instances. If they had not they never could have got that bill out of committee.

Mr. STEPHENS. Will the gentleman state what two instances?

Mr. WASHBURN. In the first place, by deciding that under the 119th rule you might strike out the enacting clause of the bill. In the second place, by rising and reporting the bill to the House when there was no quorum voting, as every body knows.

Mr. RICHARDSON. The gentleman from Maine is totally mistaken when he says there was no quorum.

Mr. STEPHENS. I hope the gentleman from Illinois will let me proceed. The gentleman from Maine is mistaken in both his instances. The record shows that the tellers, Mr. CLINGMAN and Mr. SAPP, reported 103 in favor of the motion, and 22 against it. That is more than a quorum—one hundred and eighteen was a quorum—one hundred and twenty-five voted. Though a great many present refused to vote, more than a quorum, however, did vote on the motion to strike out. It does not require a quorum to vote on a motion to rise, as every one knows. And as far as the violation of the 119th rule is concerned, I have this to say to the gentleman—as I said the day before yesterday—that nothing can be clearer than that everything done in the committee on the passage of the Kansas bill under the 119th rule, was legitimate and proper; and that no rule of this House was violated or overrode on that occasion. This I intend to show beyond cavil or doubt. The charge that there was no quorum voting is answered by the record, as I have stated; then as to the two other charges—for besides the charge relating to the 119th rule now made, the gentleman from Maine, [Mr. WASHBURN,] or some other gentleman, said, two days ago, that there was another rule violated. What one I do not know—for no one was mentioned—but the statement was, that the committee had violated the rules of the House by setting aside other bills having priority in the order of business on the Calendar to the Kansas-Nebraska bill. That was one statement; and I think it was also said that upwards of a hundred bills were thus set aside to reach this one. Now, Mr. Speaker, I have the rules of the House before me, and ask the attention of the House to the 135th rule:

"In Committee of the Whole on the state of the Union the bills shall be taken up and disposed of in their order on the Calendar; but when an objection is made to the consideration of a bill a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside; provided, that general appropriation bills, and, in time of war, bills for raising men or money, and bills concerning a treaty of peace, shall be preferred to all other bills at the discretion of the committee; and when demanded by any member the question shall first be put in regard to them."

Even in times of war, appropriation bills, and bills relating to treaties of peace, have no other preference, except that the question of taking them up first shall be first put. A majority may lay even them aside.

Sir, could a rule be written more plainly? Can language be more clear or more distinct than this—that when the House goes into the Committee of the Whole on the state of the Union, and when the first bill in order is read by the Clerk, and a gentleman objects to taking it up, it is then sub-

mitted to the committee whether it will be taken up or not; and a majority of the committee have the expressly-granted power to determine, without debate, whether they will then act on it, or lay it aside for other business; and so on to the second, and so to the third, and to the fourth, and to the one hundred and fiftieth, if you please? Was it not perfectly competent for a majority of the Committee of the Whole on the state of the Union, when the Kansas bill was in committee, to pass over other bills, and take up that bill when they wished to do so?

This, they did. Each bill was laid aside as it was reached. They had a right to do it. They violated no rule in doing it. The number of bills laid aside to reach it was only eighteen, I think. But if the number had been legion—if there had been one hundred, or five hundred, or a thousand, it would have made no difference.

Sir, the rule in this case is as clear as it could be made; and the action of the committee on that occasion was strictly in order. This I maintain, and defy an answer or reply to it.

Now, then, sir, as to the 119th rule.

When the committee on that occasion had laid aside the first bill, and the second bill, and the third bill, and so on, until they had come to the Kansas bill, the eighteenth in order—which they had a right to do—they took it up for consideration; and after it had been discussed for two weeks in committee, which was as long as was thought proper by the House, the 119th rule was resorted to, to stop debate in committee and bring the subject before the House for a vote. That rule is as follows:

"A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be equivalent to its rejection."

Under this rule, a motion was made by myself in committee to strike out the enacting words of the Kansas bill—a motion which took precedence of all motions to amend, as the rule says. The motion was properly put; and it was carried by a vote of one hundred and three for it, to but twenty-two against it, as I have said. Where, then, was there any violation of the rules in this? But the gentleman from Ohio, [Mr. CAMPBELL,] who says he wishes to reply to what I say, insisted the day before yesterday that this 119th rule never was intended to apply in committee.

The rule, in its language, was too clear, too overwhelming, too unanswerable; but to avoid its conclusiveness against him, he said it was made to apply to the House, and not to the Committee of the Whole, &c. Well, sir, let us see how this subterfuge will avail the gentleman. The history of this rule, as given in our Manual, is as follows:

"In 1814, a Committee of the Whole struck out the first and only section of a bill, and so reported to the House. Mr. Speaker, Cheves refused to receive the report, on the ground that it was tantamount to a rejection of the bill, which the committee had no power to do." Just as the gentleman here says: "After this, that the merit of questions might be tested in Committee of the Whole, rule 119 was adopted."

This history clearly shows that it was expressly adopted for the Committee of the Whole, &c.

I have produced this additional authority to show that there was no violation of the rule on the

objection alluded to—that the Committee of the Whole on the Kansas bill did just exactly what the rule intended that they might do, and fully empowered them to do. But gentlemen say, if this rule was intended to be applied to the Committee of the Whole, why has it never been put in practice before? That was the argument of the gentleman from Maine.

Well, Mr. Speaker, my reply to him is, that it has been put in practice before. It was adopted in 1822. Ten days after its adoption, on the 2d of March, 1822, first session of the Seventeenth Congress, I find the Journal of the House record thus:

"The House took up and proceeded to consider the bill for the relief of Benjamin Freeland and John M. Jenkins; and the amount reported thereto from the Committee of the Whole House, on the 14th instant, being read as follows: 'striking out the enacting clause of said bill.'"

"The question was put on concurring with the Committee of the Whole House in the said amendment, 'And passed in the affirmative.'"

Here the committee did the very same thing, ten days after the rule was adopted; that was done on the Kansas bill. What did the House do? Did they say that the Committee of the Whole had acted improperly? No, sir. The Journal says: "the question was taken upon concurring with the Committee of the Whole on said amendment, and it passed in the affirmative."

I find in the first session of the Eighteenth Congress, on the 22d of May, this record:

"The question was then taken to concur with the Committee of the Whole House on striking out the enacting words of the bill from the Senate, entitled 'An act relative to the Patent Office and to the salary of the superintendent thereof.'"

"And passed in the affirmative."

Again, sir, in the first session of the Twenty-first Congress, I find on the Journal this record:

"The House resolved itself into a Committee of the Whole House on the bill (No. 127) for the relief of Walter Livingston, deceased; and after some time spent therein, the Speaker resumed the chair, and Mr. Storrs, of New York, reported the same, with the enacting clause stricken out."

"The question was then put, that the House do concur with the Committee of the Whole House in striking out the enacting words of said bill."

"And passed in the affirmative—yeas 84, nays 59."

I find in the same Congress, in the action of the House on the bill for the relief of John Robinson, that

"The question was then put to concur with the Committee of the Whole House, in striking out the enacting words of the bill (No. 175) for the relief of John Robinson."

"And passed in the affirmative."

"So the land bill was rejected."

Sir, I shall not go on with this record. It is sufficient for me to state to those gentlemen who complain of my motion under this rule, that their not knowing that such a motion had ever been made before does not seem to me to be an argument of much merit or force. I show you, Mr. Speaker, the House; and the country, the rule. No man can question that. I show you, also, its history; and from that, that it was made for just such a purpose as the one I applied it to. No man now can gainsay that. I go further, and show you the practice of the House under it. No man can any longer question that. Then, sir, how can gentlemen rise up here, and say that the

passage of the Kansas and Nebraska bill was accomplished by overriding the rules of the House? Gentlemen may have been surprised and astonished at the parliamentary tactics practiced under the rule; they may never have dreamed of how the friends of a measure, in committee, could vote to strike out the enacting words—thus apparently defeating it—and then, when it was so reported to the House, reverse their position, disagree to the report of the committee striking out the enacting words, and then pass it. They may not have understood the process by which a bill might be temporarily apparently killed by its friends in Committee of the Whole, for the purpose of getting it out, and then revived again in the House, by disagreeing to the report of the committee; but this is the whole of it. This is the ground of all this clamor about the violation of the rules of the House, in the passage of the Kansas bill—for it is nothing but clamor.

The charge of a violation of rules has not the semblance of a fact to rest upon. And let no man hereafter say that sending a bill to the Committee of the Whole is equivalent to its defeat. Our rules requiring this committee, and directing how business shall be disposed of in it, are wise and proper. And the rules, when properly administered, work harmoniously for the perfection and dispatch of legislation. It is only those who do not understand them who see confusion and mystery in them. Where, then, was the wrong or the fraud perpetrated on the rules in the passage of the Kansas bill? It exists only in the fancy of gentlemen who declaim so violently on the subject. I said, sir, I intended to vindicate the action both of the committee and the House on that occasion, and put the matter beyond all future cavil or doubt. This, I think, I have done. Now, sir, I intend also, with the same confidence, to vindicate the principles of that bill against the equally unfounded assaults which have been made upon them. What, sir, are those assaults?

The gentleman from Ohio [Mr. CAMPBELL] said the other day, and again says, that the passage of the Nebraska bill was the origin of all the troubles in the country. Sir, what troubles does he allude to? What troubles have we upon us? Standing in my place in the Hall of the Representatives of the United States, I ask to-day, what troubles is the country laboring under? Were any people of the world ever more prosperous than the people of the United States now are? We are at peace with all other nations; we hear of no complaint about Federal taxes or high tariffs; we hear of no disarrangement of the currency or of the finances of the country; we hear of no clamor against banks; our tables are not loaded down with petitions or remonstrances against grievances of any sort; thrift and plenty seem to be smiling over the land from one extent to the other. Our commerce was never more flourishing; agriculture never yielded a more bountiful supply from the bosom of the earth to the tillers of her soil than it now does, nor was the average value of products ever higher. Industry, in every department of business, whether upon the ocean or the land, never had more inducements to ply its energies, not only for competency

and comforts, but for the accumulation of riches and wealth. Never did labor, in all its branches, receive more readily than it now does fair and justly compensating wages. Our internal and foreign trade was never in a more flourishing condition. What are the troubles, then, of which the gentleman speaks? Why, sir, if one could cast his eye over this wide Republic at this time, and see the thrift and prosperity in every department of industry, arising from our benign institutions, he would almost be compelled to exclaim, that all the troubles of which we hear grow out of nothing but that exuberance of liberty and multitude of blessings which seem to be driving us on to licentiousness. This we see in the mobs at Cincinnati, Louisville, New Orleans, in this city, and in San Francisco. The laws have been set aside; force has been resorted to; arms have been used; and men have been slain. But the absorbing theme now is the "civil war," as it called, in Kansas. This is the announcement made in a neighboring city, the commercial metropolis of this Union, the other night, according to a report of their proceedings, which I find in a newspaper, to a large crowd of people there assembled. I see it was proclaimed that civil war was raging in Kansas; and that that assembly gave shouts of applause at the announcement! These are the troubles I suppose of which the gentleman speaks—troubles produced not by this Kansas bill, but by the mischievous designs and reckless purposes of those who, in their efforts to defeat the quiet and peaceful operation of the sound purposes of that bill, have for some time been engaged in their unholy work of attempting to get up civil war in the country, and can now shout in applause at even the most distant prospect of success.

This, sir, is the work of that class of restless malcontents, who have for years been endeavoring to produce a sectional conflict in this country; who have no regard for the constitutional equality of the States of this Union; who repudiate the most sacred obligations of that compact which binds us together, and who have proclaimed that the Constitution itself is a league with death and a covenant with hell! How far they shall be permitted to go on with their work until checked by a sound reactive public sentiment—how far they shall get sympathy and cooperation from those whom they are now attempting to mislead—how far they may be successful in their long cherished wish for civil strife, I cannot say. That is a problem for the future to settle; that depends upon the virtue, intelligence, and integrity of the people. But that they ought not to succeed—that they ought not only to be discouraged, but rebuked and condemned in every part of this country, and by every man who has a spark of patriotism in his bosom, as well in the North as in the South, I this day maintain. But the gentleman from Ohio says all this comes from the Kansas bill. How? In what way?

What is there wrong in that Kansas measure? It has been said that it is a fraud. It has been said that it is the greatest of iniquities. It has been said that it is a crime against God. It has been said that it is a crime against nature. Well, sir, what

is this fraud, this iniquity, this crime against nature and against God? It is the simple declaration of the principle that the people of the Territories of Kansas and Nebraska—the pioneer freemen there—our own brothers in flesh and blood—going there from every State of the Union, for the purpose of settling that distant frontier—there to build up new homes for themselves and their posterity—should have the right, without limitation or restriction from any quarter, save the Constitution of the United States, to form and mold just such institutions for their own government as they pleased—a right which lies at the foundation of all our State governments, and upon which the whole Republic, in its several parts, is built and established. This is the fraud, this is the iniquity, this is the great crime of crimes, the security to the people of the Territories of the right of self-government under the Constitution. The amount of the crime is, that freemen shall be permitted to make such constitutions, republican in form, for their own government, without dictation or control from any other power, as they please. Tell it wherever you go, that this was the monstrous outrage committed by an American Congress in 1850, the middle of the nineteenth century, on the Territories of Utah and New Mexico, and repeated by the same body in 1854, on the Territories of Nebraska and "bleeding Kansas!" This is the whole of it—nothing more and nothing less. These troubles we now hear of—these efforts to get up civil war—these shouts at the announcement that civil war has already commenced—are but part and parcel of that spirit which animated a portion, and only a portion, of the opposition to the Kansas bill, during the pendency of that measure in this House. That same spirit at the North that had so bitterly opposed the establishment of this great principle of territorial policy in 1850 could not bear the idea of its being carried out in the future. I recollect very well, sir, that while the Kansas bill was progressing here, a newspaper in the city of New York, edited by a man of great ability, untiring energy and industry, and who is now the head and front—the animating spirit of the present opposition, and civil war champion's undertook to lecture this House as to our duty in regard to that bill. We were told then by him what an enormous wrong it would be; and when the measure was about to pass an editorial in that paper reached here, from which I wish to present some extracts, to show that it is the same spirit now at work:

"We urge, therefore, unbending determination on the part of the northern members hostile to this intolerable outrage, and demand of them, in behalf of peace—in behalf of freedom—in behalf of justice and humanity—resistance to the last. Better that confusion should ensue—better that discord should reign in the national councils—better that Congress should break up in wild disorder—nay, better that the Capitol itself should blaze by the torch of the incendiary, or fall and bury all its inmates beneath its crumbling ruins, than that this perfidy and wrong should be finally accomplished."

This is the language of the New York Tribune in reference to the Kansas bill a few days before it passed. Yea, sir, even then that editor declared that it was better that this Capitol should be burnt

by the torch of an incendiary—better that the Government should go into dissolution, than that the people colonizing and settling Kansas and Nebraska should be just as free as the people of New York, or, as he states it, than that this act of perfidy and wrong should be finally accomplished. What wrong did the act contain? Wrong to whom? to whom was there anything in it either wrong or unjust? Was it wrong to the people of the South, one large section of the Union, to permit them to enjoy an equal and fair participation of the public domain purchased by the common blood and common treasure of all? Was it wrong or unjust to permit the people of New York, Massachusetts, and other States of the North going into a new Territory, to be as free there as they were in their native homes? Was it wrong or unjust to allow all from all the States, who might be disposed to quit the old States, and seek to better their fortunes by cutting down the forests of the West, turning up its virgin soil, and making the wilderness to blossom as the rose, to enjoy the same rights which their fathers did in the early formation of all our present State constitutions and governments? Whom, I say, did the bill wrong? To whom did it deal any injustice? Was it the slave, the African, whom his southern master might take there? How could it be unjust even to him? Is not his condition as much bettered by new lands and virgin soils as that of his master? Is not expansion of that portion of southern population quite as necessary for their comfort and well-being as it is for the whites? Would you keep them hemmed in in their present limits, until subsistence shall fail and starvation shall effect the objects of a misguided humanity?

Without stopping here to say a word upon the subject of southern society, and the relation which the negro there sustains to the white man, either as to the necessity of that relation, or its wisdom or propriety, does it work any wrong or injury to the slave to take him from old lands to new lands? Is not his condition bettered by the change? And have we not new lands enough for all? Your Topeka convention, which formed the pretended free-State constitution now before us, proposed to exclude the negro and mulatto forever from that country. Upon the score of humanity, then, even towards the "poor negro" about whom so much sympathy is attempted to be excited, I ask, which does him the greater wrong, the Kansas bill, or the project of your free-State constitution? Who, to him, is the Good Samaritan in this case? The Free-Soil Levite, who would leave him to starve without land to work? or his humane southern master, who is willing to provide both land and shelter, food and raiment? Where, then, is the wrong of this bill? It consists in nothing but permitting the freemen of our own race to settle this question of the status of the African amongst themselves, as they in their wisdom and patriotism may think best for the happiness of both races, just as the freemen of our own race did in each of the old thirteen States of the Union.

But, sir, the House did not heed this lecture of the editor. The bill passed this body; it passed the Senate; it received the constitutional approval

of the Executive, and became the law of the land. The revolutionary spirit, however, which invoked the burning of the Capitol, did not stop with defeat in all three of the departments of legislation. Members of Congress with others, beaten in the House of Representatives, beaten in the Senate, failing in their threats and denunciations of the Executive, betook themselves forthwith to plotting schemes to defeat the will of the people as constitutionally expressed. Societies were formed, one of them by members of this House, immediately after the bill passed; money was raised; circulars were issued—all with the avowed purpose of sending people to Kansas to prevent the peaceful and quiet operation of the wise and beneficent principles of the territorial law—movements having a direct tendency to kindle this civil war of which we now hear.

The Capitol fortunately was not burnt—that suggestion did not take. Disorder did not reign here—that suggestion did not take. But bodies of men were organized—not allowing the legitimate laws of nature, of climate, and of soil to determine the character of the pioneer population from all the States alike who might choose to make settlement there. Men were sent out in large companies, with arms and munitions of war; Sharpe's rifles were sent; artillery was sent. What for? Did these colonists go to Kansas as our forefathers sought homes at Plymouth, St. Mary's, Jamestown, and Savannah? Or did they not rather go as the train-bands of Cortes and Pizarro went forth thirsting for the conquest of the Montezumas and the Incas?—a not their sole object to effect by force—violence what they had failed to do by legislation. What other meaning can be put upon the following manifesto which was published in the "Herald of Freedom" their organ at Lawrence, the head-quarters of these emigrants in the Territory:

"Come one, come all, slaveocrats and nullifiers; we have rifles enough, and bullets enough, to send you all to your (and Judas's) own place." "If you're coming, why don't you come along!"

Was not this a direct invitation to arms? And whatever troubles or disturbances exist in Kansas, let them not be charged to the Kansas bill, but to those who have sworn in their wrath that that bill never shall work out its natural and legitimate results, if they can prevent it. As well might the wars about points of doctrine and religious creeds which have disgraced Christendom, be charged upon the heavenly principles of the gospel. Christ himself said that it was impossible but that offenses in this world of wickedness would come. When bad men are at work, they cannot be prevented. The principles of that bill are in no way responsible for any outrages or trampling upon rights by parties on the other side of the controversy, got up and provoked in that Territory by designing men outside, for mischievous purposes. And the friends of that bill—those who stand pledged to its principles—condemn outrages on either or both sides alike.

But a word, sir, as to the nature and extent of these difficulties. Are they not greatly exaggerated and magnified? Let us look at the facts. Some men, it is true, have been killed—some on

both sides. And what also could have been expected? What other result could have been looked for by those instigating the movements I have alluded to? The first man killed in the Territory was Davis. He fell by the hands of those calling themselves free-State men. Then Dow, a free-State man, was killed by Coleman; but the quarrel between them arose about a land claim. It was a private and personal matter. Coleman immediately gave himself up to the legal authorities, claiming to have acted in self-defense. Whether he did or not, I do not know, and will not pretend to say; but a friend of Dow, of the name of Branson, having made threats of avenging his death, was arrested under a peace warrant, and, while in the hands of an officer, was rescued by a party of free-State men. Warrants were taken out for these, and they took shelter in Lawrence, where they put themselves in defiance of the civil authorities. The posse was called out to aid in the arrest, and this led first to the siege of Lawrence, and then to the capitulation of December last. In this war, no lives were lost. Two or three other homicides had been committed in the Territory; but in all, from the organization of the Territory, up to the attempted assassination of Sheriff Jones, I think not exceeding half a dozen! In what part of the United States, sir, in the same length of time, with the same population they have in Kansas, have there been fewer murders or deaths by violence? How many were killed in the riots last year in Cincinnati? How many in Louisville, Kentucky?

I venture to say to-day, that with all this clamor about civil war in Kansas, more lives have not been lost there, since the organization of the Territory, than have been in several of the large city elections of the United States within the last twelve months. It is not my wish to make light of these things, but to take a calm and dispassionate view of them. A strong and general tendency to disregard law and order is one of the most lamentable evils of the day. It is not confined to Kansas, but it is seen and felt everywhere. And our object, and that of all good men, should be to check it rather than excite it.

Then, sir, as to the election in Kansas and the laws passed by their Legislature. One word upon this point. The first election was held there for a Delegate to Congress in November, 1854. That there were illegal votes on both sides I have no doubt; but I believe it is admitted by every one that, notwithstanding the efforts of the emigrant aid companies to prevent it, General Whitfield had much the larger number of the legal votes of the Territory, and was duly elected. In March afterwards greater efforts were made to carry the Legislature. The result was the commission or certificate of election by Governor Reeder himself to a large majority of both branches of that body. They were therefore legally constituted as a legislative body. There may have been illegal voting on both sides, as there is doubtless in all our elections. But upon the well settled and fixed principles on which all our representative institutions rest, and without a maintenance of which there can be neither law nor order, that is now

a closed question. The laws, therefore, of that Legislature must be observed and obeyed until repealed or modified by legislative power, or set aside by the courts as void. And upon the character of these laws I wish to make but a passing remark. The gentleman from Indiana (Mr. COLFAX) pointed out quite a number of them the other day, which he said were very bad ones. Well, sir, I am not going to discuss their respective merits. Perhaps some of them are bad; it would be an extraordinary code if it were otherwise. I know the advocates of the present government in the Territory—the law-and-order party there—do not themselves approve of all of them. I will read what they say on the subject:

"The law for the protection of slave property has also been much misunderstood. The right to pass such a law is expressly stated by Governor Reeder in his inaugural message, in which he says: 'A Territorial Legislature may undoubtedly not upon the question to a limited and partial extent, and may temporarily prohibit, tolerate, or regulate slavery in the Territory, and in an absolute or modified form, with all the force and effect of any other legislative act; binding until repealed by the same power that enacted it.' There is nothing in the act itself, as has been charged, to prevent a free discussion of the subject of slavery. Its bearing on society, its morality or expediency, or whether it would be politic or impolitic to make this a slave State, can be discussed here as freely as in any State in this Union, without infringing any of the provisions of the law. To deny the right of a person to hold slaves under the law in this Territory is made penal; but, beyond this, there is no restriction to the discussion of the slavery question in any aspect in which it is capable of being considered. We do not wish to be understood as approving of all the laws passed by the Legislature; on the contrary, we would state that there are some that we do not approve of, and which are condemned by public opinion here, and which will no doubt be repealed or modified at the meeting of the next Legislature. But this is nothing more than what frequently occurs, both in the legislation of Congress and of the various State Legislatures. The remedy for such evils is to be found in public opinion, to which, sooner or later, in a Government like ours, all laws must conform."

Mr. COLFAX. What is the date of that?

Mr. STEPHENS. Last November. Now, sir, I have examined this whole code of laws; and as a whole, some few exceptions out, I say that no State in the Union has got better ones. There are some in it I do not approve—there are some in all the codes I have ever seen that I do not approve. I will not go to the gentleman's State, or to any other gentleman's State, to find laws that I do not approve. We have plenty of them in my own State. And the gentleman ought to feel highly blessed if he has none in Indiana that he disapproves. We have a great many in Georgia I do not approve. There is one in particular which I fought in the Legislature and opposed before the courts with all the power that I had. It was a law making it penal to bear concealed deadly weapons. I am individually opposed to bearing such weapons. I never bear weapons of any sort; but I believed that it was the constitutional right of every American citizen to bear arms if he chooses, and just such arms, and in just such way, as he chooses. I thought that it was the birthright of every Georgian to do it. I was defeated in our Legislature. I was defeated before our courts. The question went up to the highest judicial tribunal in our State, the Supreme Court, which sustained the law. In that decision all had to acquiesce. Sir, the people in all the States

have to obey the laws as pronounced and expounded by the courts. The difference between a republic and a monarchy is, that the one is a government of laws, subject to be changed by the people; the other is a government dependent upon the caprice or whim, and arbitrary will of one man. And when the people of a Republic array themselves against their laws, the first step is into anarchy, and then comes monarchy. The speech of the gentleman from Indiana is sufficiently answered by the address of his own party adopted at Pittsburg, though those who issued it seemed not to be conscious of the effect of the admission. That address, after specifying the same objectionable laws in the Kansas code which he has, says:

"That these despotic acts, even if they had been passed by a Legislature duly elected by the people of the Territory, would have been null and void, inasmuch as they are plainly in violation of the Federal Constitution, is too clear for argument. Congress itself is expressly forbidden by the Constitution of the United States to make any laws abridging the freedom of speech and of the press; and it is absurd to suppose that a Territorial Legislature, deriving all its power from Congress, should not be subject to the same restrictions."

The latter is a very clear proposition, to my mind. Neither Congress nor a Territorial Legislature can pass any law abridging the freedom of speech or of the press. This is, indeed, too clear for argument. I indorse that part of the Pittsburg platform. But not a single disturbance in the Territory has grown out of either of these laws complained of as despotic. But if there had—if these laws be so clearly unconstitutional and so manifestly violative of the freedom of speech and of the press, why should not any party aggrieved refer the question to the judicial tribunals? If the case is so clear, why not go to the courts? There are Federal courts in the Territory; and an appeal can be taken to the same high tribunal that all of us in such matters have to appeal to in the last resort—the Supreme Court of the United States.

Mr. CAMPBELL, of Ohio, (interrupting.) I rise to propound a question, if it is entirely agreeable to the gentleman from Georgia, and not otherwise.

Mr. STEPHENS. Perfectly agreeable; but I hope the gentleman will not take much of my time.

Mr. CAMPBELL. I was similarly responded to on a former occasion, and I shall take warning, and occupy but a moment of the gentleman's time. Why did not you, and those who sought to disturb the time-honored compromise of our fathers of 1820, if they regarded the eighth section of the Missouri act as unconstitutional, resort to the courts to test its constitutionality?

Mr. STEPHENS. There is a case of that sort now before the Supreme Court.

Mr. CAMPBELL. Why, instead of bringing all this trouble on the country, did he not then resort to the courts?

Mr. STEPHENS. Why, Mr. Speaker, it was first my duty as a legislator, believing it to be wrong, to vote to repeal it, and I did so, [laughter] and if the Congress of the United States had not repealed it, and I had been personally

affected by it in the Territory, then I might have resorted to the courts.

Mr. CAMPBELL. Did not the gentleman vote to repeal it because of its unconstitutionality?

Mr. STEPHENS. Standing as it did, I did, for that and other reasons. As long as it stood as a regulation founded on the principle of a division of the Territory, I was willing to abide by it; but when it was abandoned and repudiated as such, it was, in my judgment, an odious and unjust restriction. But I do not wish the gentleman to divert me from the line of argument I was pursuing.

Mr. CAMPBELL. If the gentleman voted to repeal it in 1854 because it was unconstitutional, why did he vote to fasten it upon Texas in 1846, unless, in the meanwhile, there was a change in the Constitution?

Mr. STEPHENS. For the very reason that I have just stated. In 1845, on the annexation of Texas, I voted for it, upon the principle of a division of the Territory. Congress has a right to pass all needful laws and regulations for the Territory, as property; so said Mr. Mason; this includes the power to divide, if necessary or needful for public peace and harmony. When I voted for it, it was upon that principle. And, sir, it was in 1850, after the gentleman's party had repeatedly—in 1846, 1847, 1848, 1849, and 1850—denied, repudiated, and scouted at what they now call the time-honored compromise of our fathers of 1820, that I voted for the reestablishment of the old principle in our territorial policy—of leaving the public domain open for the free and equal settlement and colonization of the people from all the States alike, without congressional limitations or restrictions upon any. This principle was reestablished in 1850—after the one proposed in 1820 had been abandoned—and this principle I voted to carry out in 1854, in the Territories of Kansas and Nebraska.

Mr. CAMPBELL. Will the gentleman explain to the House and to the country, how it is that a measure may be constitutional which excludes slavery on one side of a given line, in a Territory belonging to the people of the States in common, and unconstitutional on the other?

Mr. STEPHENS. My explanation of the point the gentleman makes is this: Upon the principle of a division of the Territory as public property between the two sections, it might be constitutional to set aside a portion to one by fixed lines and boundaries, while the appropriation of the whole of it to that section would be manifestly wrong, unjust, and therefore unconstitutional. Just as in the case of the division of the surplus revenue—public property—among the States—the part assigned to each, on division fairly and justly made, was constitutionally held, but if some States had taken all to the exclusion of the rest, that would have been manifestly unjust, and therefore unconstitutional. But I have given my views at large upon this subject once before this session.

Mr. CAMPBELL. Well then—

Mr. STEPHENS. I do not wish the gentleman to divert me from my argument by a continuation of questions upon other subjects.

Mr. CAMPBELL. I hope I may be fortunate

enough to get the floor at the expiration of the gentleman's hour, and therefore will not prevent my inquiries now on this interesting point.

Mr. STEPHENS. Now, sir, just here I wish to say a word more about "that time-honored compact of our fathers," which it is said has been violated. Mr. Speaker, I say that the fathers who made this Republic, from the beginning of it—from the date of the Constitution and up to 1820, never in a single instance exercised the power of excluding the migration of slaves from any of the States of this Union to the common territory. The gentleman now claims to follow the fathers of the Republic. Well, I suppose General Washington, Mr. Madison, and Mr. Jefferson, are as eminently entitled as any others to occupy that position. Mr. Jefferson especially is often quoted by those holding seats on this side of the House. Mr. Jefferson, it is said, was against slavery. I grant that. But how? Mr. Jefferson was in favor of every State retaining and exercising jurisdiction over the subject for itself. Mr. Jefferson was himself opposed to the passage of that restriction in 1820, now called a time-honored compact. I do not care as to what his abstract opinions were. I believe he was for providing for the gradual abolition of slavery in Virginia. But his plan was for the people of Virginia to do it for themselves, without any interference from abroad or influence from this Government—I mean after the present Constitution was formed and adopted. I have Mr. Jefferson's sentiments here before me on this particular Missouri restriction, when it was passed. It is immaterial what his opinions of slavery were—what did he think of that measure? The author of the Declaration of Independence is often appealed to as authority by the gentleman's party. Sir, if the departed Jefferson could return from the realms above—if the seals of the tomb at Monticello could be broken, and that spirit could be permitted to revisit the earth, believe you that he would speak a different sentiment to-day from that he uttered then?

Here is the letter which Mr. Jefferson wrote. It is too long to read the whole; but in this letter to Mr. Holmes, of Maine, dated the 29th April, 1820, after that angry condemning the establishment of a geographical line, and the attempt to restrain the "diffusion of slavery over a greater surface," he says:

"An abstinence, too, from this act of power would remove the jealousy excited by the undertaking of Congress to regulate the condition of the different descriptions of men composing a State. This, certainly, is the exclusive right of every State, which nothing in the Constitution has taken from them and given to the General Government. Could Congress, for example, say that the now freemen of Connecticut should be freemen, and that they shall not emigrate into any other State?"

This is plain and explicit, and on the very question.

Again, in a letter to Mr. Madison on the same subject, he says:

"I am indebted to you for your two letters of February 7 and 19. This Missouri question, by a geographical line of division, is the most pernicious one I have ever contemplated." "I am ready to risk the Union for any chance of restoring his party to power, and wriggling himself to the head of it."

The allusion here is evidently to Rufus King, who was the first mover of the restriction. Such, sir, were the sentiments of him who was not only the author of the Declaration of Independence, but the author of the ordinance of 1787, under the old Confederation. This is what he said of the restriction of 1820, under our present Constitution.

Here is also Mr. Madison's emphatic opinion against the same measure. I cannot take up my time in reading it. I state the fact, and challenge contradiction. Jefferson was against the restriction of 1820. Madison was against it, and Jackson was against it. No man can deny these facts. It was reluctantly accepted by the South, however, as an alternative, and only as an alternative, for the sake of peace and harmony. And who are those now who call it a sacred compact? Those very men, the gentleman and his party, who denounced every man from the North as "a dough-face," who from 1846 to 1850 were in favor of abiding by it for the sake of union and harmony. Not a man can be named from the North who was willing to abide by that line of division during the period I have stated who was not denounced by the gentleman and his party as "a dough-face." Who now are the "dough-faces?" And if the gentleman wishes to know what tree brought forth that better fruit of which he spoke the other day, I will tell him. It was not the Kansas tree, but that old political upas planted by Rufus King in 1820. It grew up; it flourished, and it sent its poisonous exhalations throughout this country till it came well nigh extinguishing the life of the Republic in 1850.

Mr. CAMPBELL. That tree was planted when—[Cries of "Order!" "Order!"]—when slavery was first brought to the shores of America. [Cries of "Order!" "Order!"]

Mr. STEPHENS. Well, then, Mr. Speaker, it is much older than the Kansas bill. It was planted before the Government was formed. The Constitution itself was grafted upon its stock. The condition or slavery of the African race, as it exists amongst us, is a "fixed fact" in the Constitution. From this a tree has indeed sprung—bearing, however, no troubles or bitter fruits. It is the tree of national liberty, which, by the culture of statesmen and patriots, has grown up and flourished, and is now sending its branches far and wide, laden with no fruit but national happiness, prosperity, glory, and renown.

Mr. CAMPBELL. Will the gentleman from Georgia read the preamble to the Constitution?

Mr. STEPHENS. Yes; and I believe I can repeat it to him. It is "in order to form a more perfect union, establish justice, insure domestic tranquility."

Mr. CAMPBELL. "And secure the blessings of liberty to ourselves and our posterity."

Mr. STEPHENS. Yes, sir, to themselves and their posterity—not to the negroes and Africans—and what sort of liberty? Constitutional liberty; that liberty which recognized the inferior condition of the African race amongst them; the liberty which we now enjoy, the liberty which all the States enjoyed at that time, save one, (for all were then slaveholding, except Massachu-

That is the sort of liberty. None of your socialism liberty. None of your Fourierism liberty. Constitutional liberty—"law and order" abiding liberty. That is the liberty which they want to perpetuate.

Now, Mr. Speaker, to return from this digression—I was on the subject of the Kansas laws—I had a good deal to say on that point I must now omit; for I have a good deal I wish also to say on the measure immediately before us, and the amendment which I have submitted, and my time is rapidly passing away. I shall proceed, then, to the bill and the amendment.

The bill under consideration proposes to admit Kansas as a State at once under the Topeka constitution. I am opposed to it; because that constitution was formed without any authority of law, either from the territorial authorities or from Congress. It was formed in open opposition to law; it was formed by men in open rebellion, with arms in their hands, against the only legally constituted government in the Territory. The leaders most conspicuous in getting it up are now under arrest for treason. Whether they are guilty or not, I will not even express an opinion. That is a question for the courts—the Federal courts—not the courts created by the Territorial Legislature, but the United States courts, with an appeal to the Supreme Court of the United States—to determine. I do not wish in any way to interfere with that judicial question. Let these gentlemen stand or fall according to their guilt or innocence, as it may be made to appear before the proper tribunals, at the proper time. Let us not, in the mean time, prejudice the case either for or against them. The man who claims to be Governor under this Topeka constitution is now in custody awaiting his trial for the highest offense known to the laws and Constitution of the United States.

I am opposed to this bill, because we have no evidence that a majority, or anything like a majority, of the people of Kansas are in favor of this pretended Topeka constitution. It is an *ex parte* proceeding from beginning to end. It was got up by a party. It was contrived by Governor Reeder; and though he and his associates now place the whole grounds of their justification upon the plea that the Territorial Legislature was composed of usurpers—that the election was carried by an invasion of non-residents, who passed laws that they cannot submit to, yet it must be recollected by all fair-minded men that this Legislature, however elected, was organized under the auspices of Governor Reeder himself. He was the judge of the election returns of its members in the first instance, and he duly commissioned a large majority of both branches of it, and gave his own official certificate that they were duly elected. If what is now asserted by him and others be true, why did he not at the proper time arrest it? Why now lay a complaint at the door of the President for not preventing an invasion of Kansas, or setting aside the legislative election, while he, as Governor, made no complaint to the President? He was the sentinel placed upon the watch-tower in Kansas. The only cry heard from him by the President or the country, during this now-pretended invasion, and for several long

months afterwards, was, "All's well!" He recognized this Legislature after it was organized, and after he knew full well how it was elected. I must therefore receive with many grains of allowance what he now asserts, all tending towards nothing more strongly than the impeachment of his own official integrity. His position is not such as to warrant me, as a fair man, now to back him in his present revolutionary movement. I see no sufficient grievance even alleged to justify me in doing it.

Grant that some of the laws passed by the Legislature that Reeder certified to as having been duly elected were bad laws—not a single case of oppression, growing out of any one of these laws, has arisen. I was on this point when interrupted by the gentleman from Ohio, [Mr. CAMPBELL.] How does it appear but that the courts would pronounce these laws unconstitutional, as some on this floor maintain that they are? Why resort to revolution until the courts fail? Nay, more; if a majority of the people of Kansas are opposed to these laws, as is so boldly asserted on this floor, why can they not have them repealed by the next Legislature, soon to be elected, even if the courts should sustain them? The next Legislature is to be chosen in October. Why not settle that question at the ballot-box? Is not that a fair and just way of settling such questions? Is it not the way we have to do in all our States? Are those who press this *ex parte* constitution upon us afraid of the ballot-box? Whatever else may be said of the acts of the Kansas Legislature, they certainly secured the purity of the fountain of political power. Here is a part of their election law:

"Sec. 24. If any person, by menaces, threats, and force, or by any other unlawful means, either directly or indirectly, attempt to influence any qualified voter in giving his vote, or to deter him from giving the same, or disturb or hinder him in the free exercise of his right of suffrage, at any election held under the laws of this Territory, the person so offending shall, on conviction thereof, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding one year.

"Sec. 25. Every person who shall, at the same election, vote more than once, either at the same or a different place, shall, on conviction, be adjudged guilty of a misdemeanor, and be punished by fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months.

"Sec. 26. Every person not being a qualified voter according to the organic law and the laws of this Territory, who shall vote at any election within this Territory, knowing that he is not entitled to vote, shall be adjudged guilty of a misdemeanor, and punished by fine not exceeding fifty dollars.

"Sec. 27. Any person who designedly gives a printed or written ticket to any qualified voter of this Territory, containing the written or printed names of persons for whom said voter does not design to vote, for the purpose of causing such voter to poll his vote contrary to his own wishes, shall, on conviction, be adjudged guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment.

"Sec. 28. Any person who shall cause to be printed and circulated, or who shall circulate, any false and fraudulent tickets, which upon their face appear to be designed as a fraud upon voters, shall, upon conviction, be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail, not exceeding three months, or by both such fine and imprisonment.

"This act to take effect and be in force from and after its passage."—Chap. 52, p. 261.

Does any free man want a better security for his sovereign right of suffrage than is here given? Does this look like the work of "border ruffians" who were looking to carry elections by fraud or violence? But it is said that in the same law it is provided that no man shall be entitled to vote who has been guilty of a violation of the fugitive slave law passed by Congress! Well, sir, is this an onerous restriction? Ought men who set themselves up in open violation of the laws of our country to complain of being deprived of the right of having a voice in making laws? Are not certain offenses in all our States grounds of denying suffrage? But the great question is, cannot this provision of the election law be repealed by the next Legislature if a majority of the honest people there are against it? The case then presented by the Governor and his associates in the Topeka movement is not such as to justify, in my judgment, this revolution which they have set on foot, and now ask Congress to approve and sanction. Besides this, Mr. Speaker, the evidence is very strong to my mind, if not conclusive, that this Topeka constitution does not meet the approval of a majority of the people of Kansas. When it was submitted to popular vote, only about seventeen hundred in the whole Territory approved it. Now, sir, I am for no such judgment either way—I am for fair dealing in this matter on both sides.

I wish for nothing but a fair expression of the will of the *bona fide* residents of Kansas upon this subject. When I voted for the Kansas bill, I did so; not for the purpose of making it a slave State, unless a majority of the white freemen there desired it; and if they did desire it, I was for permitting them to exercise the same power over the subject that the freemen of the other States of the Union exercise over the same subjects within their respective limits. I never regarded the success of that measure as a triumph of the South over the North, further than it was a triumph of this great constitutional principle of equality over that sectionalism of a party at the North, which denied it. Whether Kansas or Nebraska would be slave States or free States, I did not know. I left that to time, climate, soil, and the people, to settle. And now, sir, though upon general principles I am opposed to the admission of any State into the Union without population sufficient to entitle them to a member on this floor, according to the ratio of representation, yet, in the present case, if gentlemen are so anxious to press the admission of Kansas, I am willing to forego the usual inquiry into the exact amount of population there. I will waive that point. I do not know the number of people there. Gentlemen on the other side vary in their estimates from sixty thousand to ninety thousand. I think it would be best first to ascertain the facts. Still I will, I say, waive that point; and if gentlemen are so anxious for the admission of the people of that Territory, whatever may be their numbers, as a State, I meet them, and offer the substitute to this bill which I have submitted. Mine is an alternative proposition. If Kansas is to be admitted, let it be done in a fair, just, and proper way, and not at the instance of an

irregular, illegal, and revolutionary convention of only a portion, and a very small portion at that, of the people of the Territory. The plan I submit is the same offered by my colleague [Mr. Toombs] in the Senate. I suppose gentlemen have read it. I cannot now read it. Its main features are to provide for the admission of Kansas, under such constitution as her people may form, at as early a day as is practicable.

It provides, first, for the taking of a census. This is to be done by five commissioners, to be appointed by the President, and ratified by the Senate.

It provides, secondly, for an election to be held in the Territory on the first Tuesday after the first Monday in November next, (the day of the Presidential election in the States,) for delegates to a convention to form a State constitution.

Representation in this convention is to be according to the number of voters in the several counties and districts, as shall appear from the census, which is, amongst other things, to exhibit the names of all the actual residents of the Territory at the date of the passage of the bill.

These commissioners are to appoint the officers to conduct the election. Returns are to be made to them, and they are to judge and determine all questions relating to the election, and to give certificates of the same.

Three months' residence in the county is required to entitle any one to vote.

And to guard the purity and sanctity of the ballot-box, so that the untrammelled voice of the people may be heard, let it be as it may, these stringent provisions are inserted:

**Sec. 10. And be it further enacted,** That every white male citizen of the United States, (including Indians of like description qualified by existing laws to vote,) over twenty-one years old, who may be a *bona fide* inhabitant of said Territory at the passage of this act, and who shall have resided three months next before said election in the county in which he offers to vote, and no other persons whatever, shall be entitled to vote at said election; and all persons qualified as voters may be elected delegates to said convention, and no others.

**Sec. 11. And be it further enacted,** That, if any person, by menaces, threats, or force, or by any other unlawful means, shall directly or indirectly attempt to influence any qualified voter in giving his vote, or deter him from giving the same, or disturb or hinder him in the free exercise of his right of suffrage, at the election provided for by this act, the person so offending shall be adjudged guilty of a misdemeanor, and be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one year, or by both, at the discretion of the court.

**Sec. 12. And be it further enacted,** That any person not being a qualified voter, according to the provisions of this act, who shall vote at the election herein provided for, knowing that he is not entitled to vote, and any person who shall, at the same election, vote more than once, whether at the same or at different places, shall be adjudged guilty of a misdemeanor, and be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months, or both, at the discretion of the court.

**Sec. 13. And be it further enacted,** That any person whatever who may be charged with the holding of the election herein authorized to be held, who shall willfully and knowingly commit any fraud or irregularity whatever, with the intent to hinder or prevent, or defeat a fair expression of the popular will in said election, shall be guilty of a misdemeanor, and be punished by fine not exceeding one thousand dollars; and imprisonment not exceeding two years; or both, at the discretion of the court.

But, sir, my time will not allow me to go more into details. The object of the bill, from the

running to the end, is to provide for as fair an expression of the popular will of the Territory as human ingenuity can devise. By the expression of that will, when thus made, I shall abide, and be which way it may. For your bill as it stands, I can never vote. Against the substitute I offer, who can raise any objection that is in favor of disposing of this question upon principles of fairness, of justice, of law, of order, and of the Constitution? I present the distinct issue between these two measures to the House and the country.

I am constrained, Mr. Speaker, to believe that all this clamor we hear about "free Kansas," and "down-trodden Kansas," and "bleeding Kansas," arises much more from a desire and love of exciting by it sectional hate and the alienation of one portion of the Union from the other, than from any wish to have even "free Kansas" admitted into the Union, or from any conviction that a majority of the people there are in favor of the Topeka constitution. The object, I am constrained to believe, is not so much to get another State added to the Union, as it is to use the question to produce a severance of those States now united. Why these violent denunciations against one whole section of the Confederacy? Why is such unbridled vituperation indulged in towards southern men and southern institutions? Why these shouts of joy in New York on the announcement that "civil war" was raging in Kansas? What other construction can be put upon the movement of a late sectional convention held in Philadelphia to nominate party candidates for President and Vice President? What is the meaning of all these appeals to the passions and prejudices of the people of the northern States, exhorting them to rise up against their southern brethren? Is it not part and parcel of that same spirit which proclaimed that it were better that the Capitol should blaze by the torch of an incendiary, and wild disorder ensue, than that the free people of Kansas and Nebraska should regulate their own domestic institutions in their own way? That is all that the advocates of the Kansas bill asked; that is all it was designed to effect; and that is all I this day ask this House to join me in carrying out in good faith to the letter and spirit.

To show the House and the country some of the grounds for my belief touching the ulterior objects of some of those who are joining in this "Kansas cry" at the North, I ask attention to an editorial of the New York Courier and Enquirer of the 26th instant. In this, that editor says:

"We are in the midst of a revolution, the origin of which is sectional, and its avowed object to gratify the grasping ambition of the slave power; and a civil war waged in behalf of freedom and in resistance of slavery extension is a fitting accompaniment of an attempt on the part of the South and her co-laborers of the North, to trample on the principles and guarantees of the Constitution, by the extension of slavery into free territory through the direct legislation of the General Government."

Here it is announced that we are in the "midst of a revolution, the origin of which is sectional." But most strange to say, the cause of it is charged upon the South; and stranger still, that cause is asserted to be an attempt on the part of the South

to "trample on the principles and guarantees of the Constitution, by the extension of slavery into free territory through the direct legislation of the General Government." Was ever accusation more groundless and utterly unfounded, than this against the South? The South never asked Congress, by legislation, to extend slavery; nor has it ever been done by any such legislation. All that the South ever asked, or now asks, is, to leave the question to be settled by those who are to be affected by it.

General James Watson Webb, the editor of this paper, (the Courier and Enquirer,) was a delegate to the late Philadelphia convention, the object of which was to embody this sectional movement of the North against the South. In that convention he made a speech. From that speech, as reported in the New York Times, we are not left to inference as to what is the design and intention of the leading spirits controlling it. In speaking of the people the convention represented, he says:

"They ask us to give them a nomination which, when put fairly before the people, will unite public sentiment, and, through the ballot-box, will restrain and repel this pro-slavery extension, and this aggression of the slaveocracy. What else are they doing? They tell you that they are willing to abide by the ballot-box, and willing to make that the last appeal. *If we fail there, what then? We will drive it back, sword in hand, and so help me God! believing that to be right, I am with them.* [Loud cheers, and cries of 'Good!']"

This was in no common town or city meeting. But it was in that great northern sectional convention lately assembled at Philadelphia, that these sentiments received such bursts of applause. There is, I say, no mistaking the object of the leaders of this movement. They evidently intend to use this Kansas question to make as much political capital out of it as they can to aid them in carrying the election, by which means they hope to get power to "crush out" the South, as they suppose; but, if they fail in the election, then they are, sword in hand, to join the revolutionists in Kansas.

In the first editorial I read from, in this mammoth sheet, (the Courier and Enquirer,) issued the 26th instant, and written, doubtless, by General Webb himself, who seems to be the Magnus Apollo of the Black Republican hosts, are these significant, as well as studied, words:

"The remedy is, to go to the polls, and through the ballot-box repudiate the infamous platform put forth at Cincinnati, and over which the black flag of slavery waves with characteristic impudence; and failing in this, do as our fathers did before us—stand by our inalienable rights, and drive back with arms those who dare to trample upon our inheritance. There is no boasting and no threat in this. It is the calm language of honest, conscientious, and determined freemen, waisted to us by every breeze from the West; and they are already acting in strict conformity with their avowed determination."

Now, sir, I care as little for these belligerent manifestoes of this redoubtable general of the Courier and Enquirer, as I did two years ago for the "blazing" and "incendiary" bulletins of his cotemporary of the Tribune. I refer to them only to show the purposes at work; and I put the question directly to this House: Are you going to allow this subject to be used for any such purposes? If you want Kansas admitted as a

State, do I not offer you a fair, liberal, and just proposition for accomplishing that object? Do you wish to go before the country with the question, to inflame the public mind at the North, to move their passions, to stir up their blood, and prepare their hearts for a war of extermination against their southern brethren?—"to drive them back, sword in hand, in case you fail in the election?" If so, then be it so. But be it known to you, that you will have to take the question with the issue this day joined. Between you and me—between these two propositions, I am willing that the people North, as well as the South, may judge. Nothing would afford me more pleasure than to argue the question with you before any intelligent constituency in the Republic.

Patriotism, as I have heretofore found it, is the same everywhere. Nor has it in days past been confined to any locality in this broad land. It is, I believe, indigenous wherever the national flag floats. In the forests and ship-yards and market towns of Maine it is to be found; in the factories, workshops, and commercial houses of the old Bay State it is to be found. In State street and Faneuil Hall its voice has often been heard. So on the White Mountains of New Hampshire and the Green Mountains of Vermont; on the hills and valleys of Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey. It is a plant that heretofore has grown with as much vigor on the most sterile soil of the East as it has upon the fairest plains of the South or the richest prairies of the West. I cannot believe that a change of political climate has rendered it an exotic in any part of this country yet. Upon nothing, however, should I rely in presenting this issue everywhere, but upon the reason, justice, intelligence, virtue, integrity, and patriotism of the people; upon these all our republican institutions must rest; when they fail, all that we hold dear must go with them. And if the North shall decide to follow General Webb, let the responsibility rest upon him and them.

I cannot believe that the great body of honest business people of the North are prepared to join a set of reckless leaders in this crusade against the South, or will lend their influence and aid in kindling a civil war in Kansas which may extend until it involves the whole country. This I cannot believe, and will not believe for the present at least. It is for them to determine whether they will or not. That question they will have to meet, not only on this issue, if the majority of this House so determine, but upon that other, and at this time more absorbing, issue of the Cincinnati platform. That platform bears no black flag, as this "sword-in-hand" general asserts. Black flags belong to those who think more of black men than they do of the white man, and who exhibit more sympathy for the well-provided African race than they do for the suffering and oppressed poor of their own. The flag of the Cincinnati platform on this subject bears no principles ascribed upon its broad folds but those of the Constitution. The friends of the Union under the Constitution must and will approve them everywhere; while none but the enemies of one or the other of these, or both, can denounce them.

Upon this great sectional question all national men, I care not of what party—all true hearted patriots, who look from the bright history of the past with hopes to a brighter future before us, must and will give those principles, announced at Cincinnati, their sanction and approval. The issue on this subject presented at Cincinnati is *nationalism against sectionalism*—the issue presented at Philadelphia is *sectionalism against nationalism*.

Are we, Mr. Speaker, to remain a united people? Are we to go on in that high career of achievement in science, in art, and in civilization, which we have so conspicuously entered upon? Or are we to be arrested in our upward course long before reaching the half-way point towards ultimate culmination? Are our deeds of glory all numbered? Are the memories of the past to be forgotten, and the benefits and blessings of the present to be derided and rejected? Is the radiant orb of day brightening the morning of our existence to be darkened and obscured, and with it the light of the world extinguished forever? And all this because Congress, in its wisdom, has thought proper to permit the free white men of Kansas to determine for themselves whether the negro in that Territory shall be the same nondescript outcast, neither citizen nor slave, amongst them, that he is in sixteen States of the Union, or whether he shall occupy the same condition there in relation to them which a Christian philanthropy has assigned him in the other fifteen States. I say Christian philanthropy, notwithstanding the remarks of the gentleman from Indiana [Mr. DUNN] and the gentleman from Ohio, [Mr. CHAPMAN], the other day, denouncing slavery as a violation of the laws of nature and of God! To those remarks, though my time is short, I wish very briefly to reply before I close.

Even, however, if slavery be sinful, as they affirm, or their language implies, permit me here to ask, is not the sin the same whether the slave be held in Georgia, Carolina, or in Kansas? Is it any more sinful in one place than another? But are these gentlemen correct? Is African slavery, as it exists in the South, either a violation of the laws of nature, the laws of nations, or the laws of God? I maintain that it is not. It has been recognized by the laws of nations from time immemorial. The highest court in this country, the Supreme Court of the United States, has so decided the laws of nations to be. And where do we get the laws of nature but in nature's works about us? Those general rules and principles by which all things in nature, according to their kinds respectively, seem to be regulated, and to which they seem to conform, we call laws; and in the handiwork of creation nothing is more striking to the philosophic observer than that order is nature's first great law.

Gradation, too, is stamped upon everything animate as well as inanimate—if, indeed, there be anything inanimate. A scale, from the lowest degree of inferiority to the highest degree of superiority, runs through all animal life. We see it in the insect tribes—we see it in the fishes of the sea, the fowls of the air, in the beasts of the earth, and we see it in the races of men. We see

the same principle pervading the heavenly bodies above us. One star differs from another star in magnitude and luster—some are larger, others are smaller—but the greater and superior uniformly influences and controls the lesser and inferior within its sphere. If there is any fixed principle or law of nature it is this. In the races of men we find like differences in capacity and development. The negro is inferior to the white man; nature has made him so; observation and history, from the remotest times, establish the fact; and all attempts to make the inferior equal to the superior is but an effort to reverse the decrees of the Creator, who has made all things as we find them, according to the counsels of his own will. The Ethiopian can no more change his nature or his skin than the leopard his spots. Do what you will, a negro is a negro, and he will remain a negro still. In this social and political system of the South the negro is assigned to that subordinate position for which he is fitted by the laws of nature. Our system of civilization is founded in strict conformity to these laws. Order and subordination, according to the natural fitness of things, is the principle upon which the whole fabric of our southern institutions rests.

Then as to the law of God—that law we read not only in his works about us, around us, and among us, but in that inspired Book wherein he has revealed his will to man. When we differ as to the voice of nature, or the language of God, as spoken in nature's works, we go to that great Book, the Book of Books, which is the fountain of all truth. To that Book I now appeal. God, in the days of old, made a covenant with the human race—for the redemption of fallen man: that covenant is the corner-stone of the whole Christian system. Abram, afterwards called Abraham, was the man with whom that covenant was made. He was the great first head of an organized visible church here below. He believed God, and it was accounted to him for righteousness. He was indeed and in truth the father of the faithful. Abraham, sir, was a slaveholder. Nay, more, he was required to have the sign of that covenant administered to the slaves of his household.

Mr. CAMPBELL. Page, bring me a Bible.  
Mr. STEPHENS. I have one here which the gentleman can consult if he wishes. Here is the passage: Genesis xvii., 13. God said to Abraham:

"13. He that is born in thy house and he that is bought with thy money must needs be circumcised; and my covenant shall be in your flesh for an everlasting covenant."

Yes, sir, Abraham was not only a slaveholder, but a slave dealer, it seems, for he bought men with his money, and yet it was with him the covenant was made by which the world was to be redeemed from the dominion of sin. And it was into his bosom in heaven that the poor man who died at the rich man's gate was borne by angels, according to the parable of the Savior. In the 20th chapter of Exodus, the great moral law is found—that law that defines sin—the ten commandments, written by the finger of God himself upon tables of stone. In two of these commandments, the 4th and 10th, verses 10th and 17th, slavery is expressly recognized,

and in none of them is there anything against it—this is the moral law. In Leviticus we have the civil law on this subject, as given by God to Moses for the government of his chosen people in their municipal affairs. In chapter xxv., verses 44, 45, and 46, I read as follows:

"44. Both thy bondmen and thy bondmaids which thou shalt have shall be of the heathen that are round about you; of them ye shall buy bondmen and bondmaids."

"45. Moreover, of the children of the strangers that do sojourn among you, of them ye shall buy, and of their families that are with you which they begat in your land: and they shall be your possession."

"46. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen forever; but over your brethren, the children of Israel, ye shall not rule one over another, with rigor."

This was the law given to the Jews soon after they left Egypt for their government when they should reach the land of promise. They could have had no slaves then. It authorized the introduction of slavery amongst them when they should become established in Canaan. And it is to be noted that their bondmen and bondmaids to be bought, and held for a possession and an inheritance for their children after them, were to be of the heathen round about them. Over their brethren they were not to rule with rigor. Our southern system is in strict conformity with this injunction. Men of our own blood and our own race, wherever born, or from whatever clime they come, are free and equal. We have no castes or classes amongst white men—no "upper tendom" or "lower tendom." All are equals. Our slaves were taken from the heathen tribes—the barbarians of Africa. In our households they are brought within the pale of the covenant, under Christian teaching and influence; and more of them are partakers of the benefits of the gospel than ever were rendered so by missionary enterprise. The wisdom of man is foolishness—the ways of Providence are mysterious. Nor does the negro feel any sense of degradation in his condition—he is not degraded. He occupies and fills the same grade or rank in society and the State that he does in the scale of beings; it is his natural place; and all things fit when nature's great first law of order is conformed to.

Again: Job was certainly one of the best men of whom we read in the Bible. He was a large slaveholder. So, too, were Isaac and Jacob, and all the patriarchs. But, it is said, this was under the Jewish dispensation. Granted. Has any change been made since? Is anything to be found in the New Testament against it? Nothing—not a word. Slavery existed when the Gospel was preached by Christ and his Apostles, and where they preached: it was all around them. And though the Scribes and Pharisees were denounced by our Savior for their hypocrisy and robbing "widows' houses," yet not a word did He utter against slaveholding. On one occasion, He was sought for by a centurion, who asked him to heal his slave, who was sick. Jesus said he would go; but the centurion objected, saying: "Lord, I am not worthy that thou shouldst come under my roof; but speak the word only, and my servant shall be healed. For I am a man under authority, having soldiers under me; and I say to this man, go, and he

forth; and to another come, and he cometh; and to my slave, do this, and he doeth it." *Matthew* viii., 9. The word rendered here "servant" in our translation, means *slave*. It means just such a servant as all our slaves at the South are. I have the original Greek.

[Here the hammer fell. Mr. STEPHENS asked that he might be permitted to go on as long as the gentleman from Ohio [Mr. CAMPBELL] had taken up his time. He had but a little more to say. Mr. GIDDINGS, of Ohio, objected; and what follows is the substance of what he intended to say, if he had not been cut off by the hour rule.]

The word in the original is *doulos*, and the meaning of this word, as given in Robinson's Greek and English Lexicon, is this—I read from the book: "In the family the *doulos* was one bound to serve, a slave, and was the property of his master—a living possession," as Aristotle calls him." And again: "The *doulos*, therefore, was never a hired servant, the latter being called *misthos*," &c. This is the meaning of the word, as given by Robinson, a learned doctor of divinity, as well as of laws. The centurion at that occasion said to Christ himself, "I say to my slave, do this, and he doeth it, and do Thou but speak the word, and he shall be healed." What was the Savior's reply? Did He tell him to go loose the bonds that fettered his fellow man? Did He tell him he was sinning against God for holding a slave? No such thing. But we are told by the inspired penman that:

"When Jesus heard it he marvelled and said to them that followed: Verily, I say unto you, I have not found so great faith, no, not in Israel. And I say unto you that many shall come from the east and west and shall sit down with Abraham, and Isaac, and Jacob, in the kingdom of Heaven. But the children of the kingdom shall be cast out into outer darkness; there shall be weeping and gnashing of teeth. And Jesus said, unto the centurion, Go thy way, and as thou hast believed so be it done unto thee. And his servant [or slave] was healed in the selfsame hour."

Was Christ a "doughface?" Did He quail before the slave power? And if he did not rebuke the lordly centurion for speaking as he did of his authority over his slave, but healed the sick man, and said that he had not found so great faith in all Israel as he had in his master, who shall now presume, in His name, to rebuke others for exercising similar authority, or say that their faith may not be as strong as that of the centurion's?

In no place in the New Testament, sir, is slavery held up as sinful. Several of the Apostles alluded

to it, but none of them—not one of them, mentions or condemns it as a relation sinful in itself, or violative of the laws of God, or even Christian duty. They enjoin the relative duties of both master and slave. Paul sent a runaway slave, Onesimus, back to Philemon, his master. He frequently alludes to slavery in his letters to the churches, but in no case speaks of it as sinful. To what he says in one of these epistles I ask special attention. It is 1st Timothy, chapter 6th, and beginning with the 1st verse:

"1. Let as many servants [*doulos*, slaves in the original, which I have before me] as are under the yoke [that is, those who are the most abject of slaves] count their own masters worthy of all honor, that the name of God and his doctrine be not blasphemed.

"2. And they that have believing masters, [according to modern doctrine there can be no such thing as a slaveholding believer; so did not think Paul.] let them not despise [or neglect and not care for] them, because they are brethren, but rather do them service, because they are faithful and beloved, partakers of the benefit. These things teach and exhort.

"3. If any man teach otherwise and consent not to what some words, even the words of our Lord Jesus Christ, and to the doctrine which is according to godliness:

"4. He is proud, [or self-conceited,] knowing nothing but dotting about questions and strifes of words, whereof cometh envy, strife, railings, evil surmises,

"5. Perverse disputings of men of corrupt minds, and destitute of the truth, supposing that gain is godliness: from such withdraw thyself."

This language of St. Paul, the great Apostle of the Gentiles, is just as appropriate this day, in this House, as it was when he penned it eighteen hundred years ago. No man could frame a more direct reply to the doctrines of the gentleman from Ohio, [Mr. GIDDINGS,] and the gentleman from Indiana, [Mr. DUNN,] than is here contained in the sacred book. What does all this strife, and envy, and railings, and "civil war" in Kansas come from, but the teachings of those in our day who teach otherwise than Paul taught, and "do not consent to wholesome words, even the words of our Lord Jesus Christ?"

Let no man, then, say that African slavery as it exists in the South, incorporated in, and sanctioned by, the Constitution of the United States, is in violation of either the laws of nations, the laws of nature, or the laws of God!

And if it "must needs be" that such an offense shall come from this source as shall sever the ties that now unite these States together in fraternal bonds, and involve the land in civil war, then "we be unto them from whom the offense cometh!"

## SPEECH

OF

HON. LEWIS CASS, OF MICHIGAN,

DELIVERED

IN THE SENATE OF THE UNITED STATES, MAY 12-13, 1856.

The Senate, as in committee of the whole, resumed the consideration of the bill (S. No. 172) to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union, when they have the requisite population.

Mr. CASS proceeded to address the Senate. He said:

Mr. President: The bill under discussion relating to Kansas presents itself in a double aspect to the consideration of Congress. It involves not only the present condition of that Territory, and the measures proper to be taken with reference to it, but it involves also the general principles connected with the Territories of the United States, and the extent, as well of their rights, as of the constitutional power of Congress over them. I propose to submit to the Senate some remarks upon both these topics, but principally upon the latter—not only on account of the importance of the subject, but also on account of the many and discordant views, and the elaborate discussions, to which it has given rise in this body, and in the co-ordinate branch of the national legislature. I shall commence with the relations between the United States and our Territories, but shall endeavor first to redeem from obloquy a cherished American principle, which lies at the foundation of free institutions.

This principle has been designated as popular sovereignty, squatter sovereignty, territorial sovereignty, and marked by other sneering terms, used contemptuously as nicknames, rather than descriptively as definitions, and which has served to cast reproach, and often desiguedly, upon a great element of human freedom, and to bring it into discredit.

This system of tactics originated during the progress of the controversy concerning the admission of California, when it was contended that the government established there in self-defense, by the people, ought not to be recognized; and, among other reasons, because they were squatters—that was the cant phrase—and did not own the land: as though American citizens, driven by the accidents of life to a part of the national domain without the limits of an organized State or Territory, are destitute of all rights, and, in the absence of established law, can establish law for themselves; and, as a corollary, that the only true sovereignty is landlord sovereignty. Sir, this is strange doctrine for this great republic, boasting of its political equality, and for this middle of the nineteenth century, boasting of its political progress and intelligence. It carries us back to the worst periods of the world, when man was nothing, and lands, and trees, and rocks, were everything.

On a former occasion I adverted to the happy manner in which this artificial and unjust state of society was ridiculed by Dr. Franklin, in one of his practical apologues, more powerful than argument; but it is so appropriate to this discussion, that I am tempted again to call it into the service of human rights. A property qualification is required (said the American parable-maker) to entitle any one to enjoy political privileges. To-day a man possesses a jackass, and is therefore a voter. To-morrow the ass dies, and the vote dies with him. To whom did the vote belong, to the ass or to his owner? I am not political enough to answer the question; I leave its solution to him who believes in the necessary connexion between the money-box and the ballot-box. One hundred thousand American citizens found themselves without law in California, soon after its cession to the United States. Congress refused or neglected to make any arrangement for their government, leaving them exposed to the terrible evils of anarchy. By all the laws of God and nature they were justified, as a measure of self-defence, which is a precedent to communities as to individuals, in providing for their own safety—extreme as it may be, by the institution of a government. They did so; and came here for admission, and were met by reproaches and harsh epithets, and delays, almost refusal, and were characterized as lawless and lawless adventurers. That they were lawless was neither their crime nor their fault; that they did not continue lawless, they owed to their own firmness and intelligence, not to our justice or sympathy. They did, as the self-exiled adventurers had done.

tured before them, when they landed upon this continent, and "combined themselves together (these are memorable and historic words) in a civil body-politic;" and never did human government rest upon a truer basis than did these political systems in the infancy of the settlements upon the coasts of the Atlantic and the Pacific oceans.

The misapprehension or misrepresentation, which has prevailed respecting the doctrine of those who maintain that American citizens, thrown as waifs upon an unoccupied strand, have a right, in the absence of law, to provide it for themselves, and have at all times other natural rights, of which they cannot be deprived without their own consent, except by the authority of the constitution of the United States, serves to show that strong prejudices have been at work, mingling themselves with the investigation of this interesting subject. The proposition that our citizens are not political slaves, and have rights which Congress neither gave nor can take away, was first called squatter sovereignty by way of derision, and yet receives the same appellation, but now in sober earnest; and if not with the purpose, certainly with the effect, of identifying the name with absurd or dangerous doctrines. I heard it said here, after the imposition of this sobriquet; that squatter sovereignty was a claim to divest Congress of its rights over the public land. Six years have passed away, and no such pretension has been advanced; and he who should seriously advocate it would hardly need the certificate of a physician to prove his qualification for a mad-house.

This principle of self-government is confounded with revolution, and it is charged with making that extraordinary remedy an ordinary legal right. Sir, no true believer in the doctrine, that American citizens possess rights in the Territories, includes in that proposition the right of revolution. That is an extraordinary resource against oppression, belonging to all political communities, and to be resorted to by each at its discretion, and upon its responsibility. Free as our government is, I can foresee cases, not probable, scarcely possible even, in which this great measure of self-defence might become necessary and justifiable. If a Territory, having passed legally into a State, should apply for admission into the Union, and the application should be rejected, unless with the imposition of conditions destructive of its true equality—such as a requisition to exclude slavery, or to do any other act not prescribed by the constitution—a State, under these circumstances, would have a right, in the words of the Declaration of Independence, to dissolve the political bands which connect it with an unjust government, and to claim admittance, as a distinct member, into the family of nations.

It seems also to be supposed by many that the advocate of squatter or popular sovereignty, assuming the name as an established one—and for myself I shall not quarrel with it, considering the doctrine so good that it could survive a much more powerful assault than this baptismal one—advocates also the right of the people of a Territory to change the government at their pleasure; and I have heard it maintained that the recent attempt to establish a State government in Kansas must be supported by every advocate of this doctrine, if he would preserve his own consistency. Sir, I believe in no such pretension. I never advanced or defended it, nor shall I defend it now. Although cases have occurred where the measures for the establishment of a State government have had their initiation in the local legislature, yet they originated in, and were justified by, peculiar circumstances. But an attempt to change the government by a partial popular interference, without the intermediation of Congress, or of the Territorial legislature, finds no support in any views I have ever presented upon this subject. And the dangers attending the public tranquillity, which must necessarily accompany a voluntary effort like that among an excited people, divided in opinion, are enough to deter me from favoring it.

In brief, sir, this is my creed upon this subject:

1. I believe that American citizens have rights in the Territories, whether they own land or not.
2. Those rights are independent of Congress, and neither derived from nor granted by that body.
3. It is the duty of Congress to organize governments for the Territories; and if that duty is refused, it is the right of the people to do it for themselves.
4. The change from a Territorial to a State government should not be undertaken without the vote of the majority of the people, authorized by law to be taken; for without such authority it is obvious that the whole transaction becomes a spontaneous one, which will be supported by its partisans only, and in which those who are opposed to it will take no part, and the result, therefore, will be no indication of the true views of the people. And the foundation will be laid for bitter dissensions, and the resisting and the intruding governments will each find partisans and enemies.

Sovereignty is, in no proper acceptance of the word, applicable to the Territories of the United States. They are dependencies of the general government, and possess no attribute of independence.

But the question is, what political relation do they bear to that government, and what powers can it constitutionally exercise over their inhabitants? Are these inhabitants destitute of all rights, and subject to the uncontrolled will of Congress? And can that body "sell them into slavery," as coolly asserted in the House of Representatives by a member from Indiana?

Those who maintain that the people of the Territories have certain inalienable rights, maintain just what our fathers contended for, first by argument; and then by arms, in opposition to a similar assumption of uncontrolled power of legislation by the British Parliament, which

declares that HIS MAJESTY IN PARLIAMENT HAS THE RIGHT BY STATUTE TO BIND THE COLONIES IN ALL CASES WHATSOEVER.

What rights have the people of the Territories?

They possess all those natural rights, "written,"—as Lord Chatham said, when he nobly advocated their existence and obligation in the House of Lords—"written in the great volume of nature," which are not taken from them, and intrusted to Congress by the constitution of the United States.

The inquiry, then, is, not into the rights of the people, but into the constitutional power of Congress to interfere with them; and this, too, under a government not only of limited but of granted powers, and which can exercise no authority not conferred by express provision, or by necessary and proper implication, for these are the words of the book.

And still more: a government whose very corner-stone is the inseparable connexion between power and representation, and which seeks to extend its jurisdiction—and one, too, which penetrates into the most hidden recesses of private and domestic life, over distant communities, which have no participation in this far away legislation—no means to keep a foreign law-giver from its hearthstone.

What power, then, has the federal legislature over the territories of the United States? To THE LAW AND TO THE TESTIMONY.

The word "territory" is not to be found in the federal constitution as applicable to a political community. It occurs there but once, and in the following clause:

"The Congress shall have power to dispose of and make all needful rules and regulations concerning the territory or other property of the United States."

(Not shall have power to make laws to govern people.)

The Supreme Court has decided, and the meaning is undeniable by any one possessing but a slight knowledge of the laws of English syntax, even without such decision, that "the term 'territory,' as here used, is merely descriptive of one branch of property, and is equivalent to the word 'land'; and Congress has the same power over it as over every other property of the United States."

The clause, by this construction, may be thus read: The Congress shall have power to dispose of and make all needful rules and regulations concerning the land and other property of the United States. Here is no grant of political power, no jurisdiction over the lives and persons and property of American citizens, but only an authority to take care of and sell the public land—such an authority as a land-owner may properly exercise. If the word "territory" means a political community, and not land merely, it follows that, as Congress may dispose of it, they may sell every territory, people and all; and this, too, though the whole land may have been previously disposed of to purchasers, and not an acre left to the United States. And this tremendous, unlimited power over American citizens, involving all the issues of life and death, is derived from a simple grant to regulate and sell land. And this regulation must be "needful," says the constitution. Needful for what? For the regulation and sale of the property. Not needful for the constitution of the United States, nor for any of the ends for which that compact was formed—such as the general welfare, the establishment of justice, and others, as Mr. Adams contended some years since; for such a construction is not only in the very face of any just rule of interpretation, but it would prostrate the barriers of the constitution, leaving all powers to be considered needful which any party might desire to exercise. This is the very consequence foreseen and foretold by the legislature of Virginia in their memorable resolutions of 1799, as the result of this indefensible latitude of construction: "That it would have the inadmissible effect of rendering nugatory or improper every part of the constitution."

And, in this connexion, I may ask, what has the relation of husband and wife, or of parent and child, or of master and servant, to do with the property of the general government? Or how does that government acquire any jurisdiction over these conditions of society, under the pretence that it is needful for the management of their property? And I may ask as much respecting a note of hand, or any of the infinite variety of the concerns of life, for the protection of which governments are instituted. Can construction be further construed?

I desire to know, if this clause is the foundation of the authority exercised by Congress over the Territories, how it happens that this authority has been exercised over thousands of square miles in the various Territories, not one foot of which was ever the "territory"—meaning the property—of the United States; as in the State of Ohio, when a part of the Northwestern Territory, over a superficial extent equal to one-fourth part of the State, being the Connecticut western reserve, extending one hundred and twenty miles east and west, and the Virginia military reservation, embracing the whole country between the Scioto and the Little Miami rivers, both of which districts of country were reserved by those States respectively, when they made their cessions, and never belonged, not the smallest portion of them, to the United States; and in the State of Tennessee, when the Southwestern Territory, over more than seven-eighths of its area, disposed of by the State of North Carolina before its act of cession, and never conveyed to the United States; and over vast regions in Florida, Louisiana, Arkansas, Missouri, and almost every other territory where rights to land had been acquired by individuals before the cession of the country, and were held independent of the United States. As in these cases there was no "territory," or land, to dispose of or regulate, there was nothing on which the

constitutional provision could operate. And the inquiry is equally pertinent as to the continuance of this power after the public land is disposed of—how it carried with it legislative authority over the extensive districts—sold to the Ohio Company, and to John C. Symmes, in that part of the Northwestern Territory, now the State of Ohio, before the general government went into operation; and how it happens that, when a tract is sold and thus ceases to make a part of the public domain, the power of government over it does not cease, if that power is derived from the constitutional authority to regulate, *not private*, but public property? In such a case, the power passes with the object; and this clause is just as applicable to private property in the State of New York as to private property in a political Territory.

I have heretofore shown, upon this floor, that there were twelve principles or provisions of the constitution from which this uncontrolled power of congressional legislation over the people of the Territories is deduced. I have no purpose to re-examine them upon this occasion, and shall do little more than enumerate them, adding three auxiliary powers since discovered; and I do so merely to call attention to this multitude of derivative clauses, each with its advocates, as a significant fact, furnishing a powerful presumption against the existence of a despotic authority—a foundling wandering about the constitution in search of its true parentage.

These assumed provisions and principles—for there are both—are as follows:

1. The land regulating and selling power, to which I have already referred.
2. The war and treaty making power.
3. The right to admit new States.
4. The implication clause of the constitution, attaching itself to the right to sell the public land.
5. The rights of ownership.
6. The right and duty of settlement.
7. The attribute of sovereignty.
8. The nature of government.
9. Nationality.
10. The principle of agency and trust.

11. That provision of the constitution which declares that "all debts contracted or engagements entered into before the adoption of the present constitution, shall be as valid against the United States under this constitution as under the confederation."

12. There are those who admit that the ordinance of 1787 was "passed by the old Congress of the confederation, without authority from the States;" and among these was Mr. Adams, late President of the United States, who contended, not that the clause respecting debts and engagements confirmed the former, but that it "had been tacitly confirmed by the adoption of the present constitution of the United States, and the authority given to Congress to make needful rules and regulations for the territory." Surely it cannot be necessary to investigate such a foundation of power under a government which derives all its authority, not merely from express grants, but which is still further restricted in its operation by the emphatic declaration that "the powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Never was the abuse, I might almost say the use, of power more jealously guarded; and we yet here find the sixth Chief Magistrate, in the very infancy of the Republic, maintaining, as a ground of congressional jurisdiction, that its exercise had been "tacitly confirmed" by the adoption of the constitution, and by the authority to regulate and sell the public land; not by a grant of power, but by the usurpation of it—by "tacitly" assuming that the engagement clause confirms the authority, while expressly admitting that it does not. I leave, without further comment, this rule of interpretation to those who can find either wisdom or safety in its application.

I have said that three new sources of power have recently been discovered to justify congressional interposition, and I now add that these are:

13. The right and duty of guardianship.
14. The transmissible power, by which the constitution of another country is substituted for that of the United States.
15. What may be called the paternal power, which places the general government in *loco parentis*.

Mr. President, I repeat that I have no design to enter into an investigation of the reasons which are urged in support of these various derivations whence the power of government is deduced, or rather whence it is not deduced, contenting myself with leaving them where I left them upon a former occasion. I shall depart from this determination in one or two cases only, and I do this in consequence of the presentation of new views, or of views presented with new force.

The majority of the Committee on the Territories, in their recent inquiry into the true foundation of the power to establish Territorial governments, have sought it, and seem to believe they have found it, in the provision of the constitution, that "new States may be admitted by the Congress into the Union," &c. I can trace no such grant to such an authority. It proceeds upon the inadmissible pretension that the federal legislature may take any appropriate means, not merely to enable it to exercise a granted power, but to exercise an independent power over which it has no control.

Mr. President, some years since this whole subject of the right of congressional jurisdiction over the Territories was learnedly and laboriously investigated in both wings of the capitol. It

was then maintained, as now, among various sources of authority, that the right to admit new States carried with it the power to establish governments: "There are two purposes for which territory is held," said one of the most able and experienced members of the Senate, "the disposition of the soil and the erection of new States. Now, the right of governing new territory is necessary to the efficient exercise of both objects." And yet one power is expressly given and the other withheld; and we are called upon to assume the latter, as if it were actually granted, for reasons as numerous almost as the speakers, but which would render a written constitution a plastic instrument, to be *formed and moulded* at the will of its creature, the legislative authority.

"The purpose," (of the right of government,) said another distinguished Senator, "is to train up a nation of freemen, and to fit them to share in the privileges of this Union." And the doctrine is pushed to as latitudinarian an extent as the loosest constructionist can desire. "Whatever," said the speaker, "is necessary to this object, Congress is authorized to do."

The majority of the Committee on Territories, and the two members of the Senate whose opinions I have quoted, equally derive the authority to govern our colonial establishments from the power to admit new States into the Union. Whether with the same views to justify the action of Congress, or, in other words, with the same views as to the connexion between the power of government and the power of admission, so as to render the former a true constitutional auxiliary of the latter, I am at a loss to determine. The senatorial predecessors of the committee, in the annunciation of the *origin of the power, trace it to the duty or necessity of training up freemen, and fitting them to share in the privileges of the Union, and to the training up of these infant communities under such institutions as may fit them to become members of our great confederacy.*

The following paragraph contains the position assumed and maintained by the committee; and, in whatever light it is viewed, it appears to me equally erroneous in theory and dangerous in practice:

"Is not the organization of a Territory eminently necessary and proper as a means of enabling the people thereof to form and mould their local and domestic institutions and establish a State government under the authority of the constitution, preparatory to its admission into the Union? If so, the right of Congress to pass the organic act for the temporary government is clearly included in the provision which authorizes the admission of new States."

I do not understand these views of the committee. When analyzed, it will be found that the power of instituting a Territorial government is claimed in a double capacity—first, as a means to enable Congress to enable the people to form and mould their institutions; and, second, to establish a State government. The forming and moulding of political institutions is a figurative expression—a dangerous process of reasoning in strict investigations; but it seems here to imply their adoption, and then their change, from time to time, till the work is completed by its adaptation to the wants or will of the community. In another part of the report it is declared, that the people must be left "entirely free" in the exertion of the rights of self-government; *entirely free to regulate their domestic institutions and internal concerns in their own way*, for such is substantially the proposition. This is a full measure of self-government; and, if the doctrine is correct, whatever provision in the organic law interferes with it interferes also with the constitution, and is void. The people, therefore, upon this political theory, must be left free to regulate, "in their own way," the election of governor, the appointment of judges and other officers, and the nature and extent of their duties, as well as the system of jurisprudence, or they are deprived of this "true freedom."

Experience is certainly desirable in the work of establishing a new system of laws for a new country—a state of things designated as "preparatory" to that permanent condition which admission to the Union brings with it. How far the committee consider this chrysalis state a kind of school in which the knowledge of self-government is to be acquired does not distinctly appear; whether the people are to be enabled to form and mould their institutions with a view to their practical operation during their subordinate condition, or as a means of learning how to exercise the rights and privileges which are to become their heritage. We have seen that distinguished senators have heretofore maintained upon this floor that the last object is the one which really confers upon Congress this disputed power. And the process of the committee would seem to indicate somewhat kindred views in the application of the power, as it indicates an identity of views in its derivation. For it is worthy of observation—perhaps, indeed, a significant fact—that the protection of life and property and the preservation of order, the great objects of human governments, are not even alluded to by the committee as reasons for congressional interposition, nor is the necessity of legal organization for any such purposes sought to be derived from any express grant of power. There are those, and Judge McLean is among them, who, while they deny the authority to establish Territorial governments as directly included in the power to dispose of and regulate the public land, yet derive it as an incident from that provision, because the establishment of order among the emigrants would facilitate the sale and settlement of the land. Mr. Rhett also maintained that doctrine in the House of Representatives. But the committee, while claiming the same power, do not attempt to show in what manner it is an incident, or, in other words, how its exercise is necessary and proper to the exertion of the right to admit new States. They say, indeed, that the organization of a Territory is necessary and proper as a means of enabling the people thereof to form and mould their institutions, but there they stop. What bearing this work of *forming and moulding* has

upon the act of admission so as to render it a just incident of that great power, we may in vain search the report to discover.

The doctrine is repeated, though in somewhat different language, in another part of the report; but with the same defect in the process. We are told that "the organic act" "must leave the people entirely free to form and regulate their domestic institutions and their internal concerns in their own way," "to the end that, when they attain the requisite population and establish a State government, they may be admitted into the Union," "on an equal footing," &c. But we are not told how this "end," admission, is reached by the means indicated, the regulation of internal concerns; and I cannot supply this hiatus in the argument by maintaining that the power of government may be assumed, in order, by the establishment of law, that the prosperity of those remote communities may be promoted, and their population augmented with a view to their admission into the Union, because the adoption of such a principle might lead to very fearful consequences. It proceeds upon the assumption that Congress may, by virtue of the power to admit new States, take such measures as it may judge best calculated to facilitate their formation, and application and admission. A large discretion would be the result of the establishment of this doctrine, and how it might be used or abused it were presumptuous to foretell.

The right to exclude slavery from each Territory, as an avowed means of promoting its growth and prosperity, would soon find friends and advocates in Congress, and perhaps, ere long, enough of them to make that measure a permanent one; and, as it is, the theory of the committee places the denial of this power of exclusion upon no very safe foundation; for it is urged upon the ground that the State must be admitted into the Union upon an equal footing with the original States. The proposition is incontrovertible; but its application to the intermediate condition of Territorial existence is not so clear. It would render all previous congressional interference void upon the formation of a new State; all prohibitions of slavery would fall before the will of the people. But if the true reason for the restraint upon the action of Congress is given by the Committee—to wit: equal admission after the formation of a State constitution—it is difficult to see how this condition of things is to operate until the arrival of the period of political sovereignty. That the exercise of such an act of intermediate authority might have the effect to encourage the settlement of the country by a population favoring the restriction, there can be no doubt. But the question does not touch the effect upon emigration to the Territory, but upon the admission of the State. If the people composing it at the time of application for admission become free from all restraints but those imposed by the constitution upon sovereign States, then this great principle can hardly be said to have been violated, whatever circumstances may have preceded this last condition. That they are thus free is maintained, and justly, by the committee, because this equality is one of the fundamental principles of our institutions. Those who believe that civil government is essential to the new Territories, and that the right of Congress to establish it—the duty rather—is the result of necessity, whether arising from implication or otherwise, hold opinions which are free from this difficulty and danger, as Congress can exert its power no further than the necessity extends, and cannot reach the domestic relations of the people. In fact, if the view of the committee be the true one, it is not easy to prescribe boundaries to congressional legislation.

I have already said that the power to establish these temporary governments was not claimed by the committee as a means of securing public order; nor, if it were so claimed, do I see what effect such a measure could have upon the power of admission, which does not come into operation till the temporary organization is terminated, unless, indeed, the inadmissible one to which I have alluded, of controlling the condition of the country.

As to the exercise of political rights by any portion of the American people as a means of improving their capacity for self-government, and of fitting them for any change before them, it is a principle of organization unknown to our institutions. Governments are not established as schools, where "free men are to be trained," and "fitted to become members of our great confederacy." And nothing but an entire misapprehension of the true functions of the general government could lead to this fundamental error, as to the nature of its just operation. This whole subject has been made the victim of false analogies instead of the object of constitutional inquiries; nor has the heresy been more prevalent in any branch of the controversy than in the derivation of the power of government from the necessity of political instruction. Our Territories are settled by our citizens, who all their lives have enjoyed the privilege of self-government. A man knows as much in a Territory as in a State, and is just as capable of discharging his political duties. He does not pass the boundary to learn the lesson of a freeman, but he passes it in order, by a life of industry and enterprise, to improve his condition, and to grow with the growth of the country.

I have said that the power of congressional government is claimed by the committee, not only as a means of enabling the people to form and mould their institutions, but also as a means of establishing a State government, preparatory to admission into the Union. I am here at fault again, and it is as to the "necessary and proper" connection between the institution of a government and its avowed purpose, which is to justify the action of Congress—namely, the establishment of a State government. Assuming that the power to establish States is among the granted powers which carry "necessary and proper" incidents with them, is the machinery of Territorial governments an incident necessary to the exercise of this power by Congress? I confine the inquiry to this single purpose, leaving out of view the necessity of civil organization

for the wants of society, because the latter is ignored by the committee, and the former constitutes the only ground on which they place this congressional right of interposition. I repeat, is the means constitutionally adapted to the end? The postulate is, that Congress may establish Territorial governments, in order to enable the people to establish State governments. But how? The only means known to our system is by the election of conventions. And how are these bodies to be elected? Cases have occurred, though they are the exceptions, which have been justified by the circumstances, in which the local authority has taken the initiative in calling conventions. But this is not a proceeding which the committee would sanction as an established one. The "means" to which they refer is the action of Congress authorizing the election and the convocation of a convention. And what, then, is left to the agency of a Territorial government in this change of political condition? The power to petition Congress, or, instead of that measure, the power to call upon the people to do so, either by vote or by direct application. And this interference, which is an assumed authority, exhausts the whole power of these Territorial legislatures. And we are now brought to this inquiry, is this intermediation, confined to this single object, such a necessary means as to justify the creation of a Territorial government with a jurisdiction extending over all the concerns of life? Why is any intermediation necessary? Why cannot Congress exercise the power itself, if it possess it, and receive the application of the people, and then provide for the election of a convention? Or, why not make early and previous provision, by which the wishes of the people can at any time be ascertained, thus rendering any other interference, either general or local, unnecessary?

This principle was once adopted by the Congress of the confederation. It was in 1784, in an ordinance, the predecessor of that of 1787, and in some respects it superior, for it avoided the contested points which have made the latter a subject of long and bitter controversy; such as the articles of compact and the want of power to regulate governments, &c. It authorized the people upon any Indian cession to establish temporary governments for themselves; and it went still further, indicating the course for the Congress of the constitution to take, proper, not only in itself, but also, if all its authority over this subject is derived, as the committee intimates, from a power to enable the people of a Territory to establish a State government. That seems to have been the opinion in 1784 of the Congress of the confederation respecting the extent of its own authority. The ordinance provided:

"That when any such State shall have acquired twenty thousand free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves."

If, then, Congress has the constitutional power to enable the people of a Territory to establish a State government, it can exert that power without intermediation, and no other agency is required for that purpose. Still less is it necessary, or constitutional—if other means are resorted to—that they should far exceed the necessity which can alone call them into being. If Territorial governments are required only as the means of enabling the people to apply to Congress to call a convention, how happens it that such governments are not confined to the object of their institution? Judge McLean lays it down as a principle—

"That implied powers can only be exercised in carrying into effect a specific power; and this implication is limited to such measures as shall be appropriate to the object. This is an admitted and safe rule of construction. It is believed to be the only one which has been sanctioned by statesmen and jurists. Powers exercised beyond this are not derived from the constitution, but must depend upon unlimited discretion, and this is despotism."

This principle, in effect, receives the sanction of the committee, who admit that the organic law, deriving its validity from the power to admit new States, must be exercised with reference only to that end, and that "beyond that point the authority cannot extend." Then, sir, the constitutional power is to admit new States. The necessary means, forming the implied power, is an authority to enable the people to establish a State government; or, in other words, to form a State, by providing for the calling of a convention. What, then, becomes of the principle of limitation laid down by Judge McLean, and by the committee, that an implied power must be exercised, so far only as is necessary to carry into effect a granted power?—a principle by which the committee except from the jurisdiction of Congress the subject of slavery, and which, if carried to its legitimate conclusion, would except every power but the one which touches the convocation of a convention. How, then, are all the issues of life and death, all the social and political relations, all the objects for which governments are instituted—how are they brought within the jurisdiction of a local legislature, instituted for a single constitutional purpose, and that purpose connected with the action of the people in the formation of a new State? Is not this the "diffusive and ductile interpretation" of Mr. Madison? Does the power to admit new States create, in the words of Mr. Jefferson, a necessity, "invincible by any other means" than the complete organization of Territorial governments? I content myself with proposing these questions asked by two of the great expounders of constitutional law, avoiding the embarrassment of answering them.

Mr. President, the Senator to whom I first referred, as tracing the right to establish Territorial governments to the power to admit new States, calls the act of admission the erection of a new State. This is a grave error, and certainly much of the reasoning of the committee indicates their participation in it. The erection or formation of new States, and their admission into the Union, are separate and independent acts; the former belonging to the people, the latter

to Congress. Congress may rightfully pass any laws, necessary and proper—these are the words on the TABLET, for carrying into effect its granted power. What is the granted power touching new States? It is to admit them, and by virtue of that high trust to make legislative provision for all the measures which justly belong to that step in the career of self-government, such, perhaps, as ascertaining the wishes of the inhabitants, the taking of a census, and other proceedings having a direct bearing upon the act of admission. Congress cannot precede its exercise, for an almost indefinite period of time, by a series of measures relating not to the act itself, but to the government and institutions of a country over which the national legislation has no just control. Does not such a boundless latitude of construction, to quote the expressive language of Mr. Jefferson, “swallow up all the delegated powers,” and leave to Congress to substitute its own will, under the name of discretion, for all the safeguards of the constitution? I find myself no clear power even to pass laws for the assembling of conventions, but it has often been done, though not always; and as its exercise calls for no interference with the rights of the people, but is designed to aid them in their progress to State sovereignty, I am not disposed to censure the practice.

In reviewing the history of our legislation over the Territories, it is obvious that the moulding of their own institutions by the people, whether with a view to knowledge or to admission, has constituted neither the motive for the action of Congress, nor the object it has sought to attain. It is numbers, not political intelligence, which have regulated the entrance of States into the Union. When the system was commenced each State had one vote in Congress; and there would have been neither justice nor policy in permitting these small communities, with their sparse population, to take their places as coequals in the confederacy. They had, therefore, to occupy subordinate positions, till their numbers should enable them to share the duties and expenses, as well as the rights of the Union. If this condition is considered a school for the acquisition of political knowledge, to “fit them to become members of our great confederacy,” then there was much injustice done to some of the scholars, or they did great injustice to themselves, as is shown by their respective periods of tuition; for while the school of Ohio, under the name of a Territorial government, continued fourteen years, that of Tennessee occupied but six years, Louisiana seven years, and Iowa nine years; and while Alabama, the most precocious of the family, underwent but two years’ “training,” Michigan, it would appear, the least gifted of the sisters, required thirty years in order to be prepared for the full rights of “majority.” I need not say, sir, that all this analogical illustration is a mere effort of the imagination, and that the change was the result of numbers depending, for their augmentation, upon the rapidity of emigration. And as to the agency of the people in moulding their institutions, as the foundation of civil government, the idea is a pleasant one, but it will hardly bear a close scrutiny. From the first Territorial government in 1787 to the last in 1854, there has not been one where the people have had the actual control of their institutions, so as to be able to “mould” them agreeably to their will. In all the earlier Territories, till within a few years indeed, there was a period called the first grade of government, when the laws were passed by the governor and judges, and during which the people had no more concern in the administration of their public affairs, executive, judicial, or legislative, than they had in those of China. When the free white male population, above the age of twenty-one years, reached the number of five thousand, then a legislature was organized, consisting of a house of representatives, elected by the people, and of a council appointed by the President from a list furnished by the house.

I need not pursue this investigation to show how limited was the participation which the inhabitants had in the management of their political interests. After the cession of Louisiana an act of Congress was passed giving authority to the President, (Mr. Jefferson,) to prescribe the manner in which all powers, “civil, military, and judicial,” should be exercised. A poor school this for the people, but a good opportunity for a one-man “moulding” of institutions. The power, however, could not have been in safer hands. I am well aware, sir, that these harsh examples of congressional interference settle no questions of constitutional law. I refer to the course of our legislative proceedings with relation to the Territories, to show that the reason given by the committee for the institution of these governments will not fully bear out the exercise of the authority in a single instance. Certainly a favorable change, for some time, has been going on in our system of Territorial administration. The interference of the general government has been relaxing, and the political condition of the people improving. And I am happy in being able to render a tribute of justice to the honorable Senator of Illinois, the chairman of the Committee on the Territories, by saying, that he has lent his powerful influence to these meliorations. The latest Territorial acts—those for the government of Kansas and Nebraska—introduced and most ably advocated by the Senator, are marked by this feature. They are more liberal, more just I should say, than any organic laws that preceded them. They surrender the absolute veto of the governor, and the supervisory power of legislation by Congress. But even in these, and still more in other late acts—those for the government of Oregon, New Mexico, Utah, and Washington—there are provisions incompatible with the power of the people to form and mould their institutions at their own pleasure, and which make it undeniable that some other foundation than this must be resorted to as a justification for congressional action. In fact, it is difficult to see why this principle, if the true one, does not carry with it the entire right of government, uncontrolled by any external dictation; as, without exemption from interference, both in the Territory and elsewhere, the attainment of the very

subject alleged to be the justification for the establishment of a government may be defeated, and their institutions prevented from being formed and moulded by the people.

I propose to review, very briefly, the reasons which have recently been offered in favor of the derivation of the power of governing the Territories from that clause of the constitution which rendered the new government responsible for the engagements of the old. During the last autumn there was quite a flourish of trumpets, either at the fancied discovery of this origin of congressional authority, or at the powerful arguments by which it was vindicated. This laudation was behind the time; for years ago this branch of the subject was fully considered and fairly exhausted. But the honorable Senator from Georgia, [Mr. Toombs,] in his able and interesting remarks upon these Kansas difficulties, to which we all listened with so much interest and pleasure, a short time since, presented views of this question upon the interrogatory of the Senator from New Hampshire, [Mr. Hale,] which met, like everything which falls from him, the careful attention of the Senate. I think the Senator was led into error; and as that error materially affects the positions he reached, I consider it important to examine it with a view to correct some of the conclusions.

In the first place, it is evident to me, not less from the subject-matter than from the words and the context, that the phrase, "debts contracted and engagements entered into," was never intended to touch the exercise of political power.

In the next place, the "engagements" referred to in the constitution must be "valid," in order to be obligatory by virtue of this clause. This self-styled compact never had any claim to validity—none whatever; it was void from its initiation.

1. Because the Congress of the confederation never had, as Mr. Madison said, "the least color of constitutional authority to establish Territorial governments," much less to make irrevocable compacts to regulate their destiny in all time to come. From the first word to the very last of the articles of confederation, there is not one which looks even to this power, or has the remotest reference to it. Let him who doubts this position examine the constitution of the confederation, and he will soon find his doubts removed.

2. A compact is an agreement—nothing more, nothing less; "a mutual appointment," as Johnson says, "between two or more to do or to forbear something."

There was evidently in the minds of the framers of that ordinance an impression of their want of legislative power; and they sought to supply this defect of authority by endeavoring to convert what should have been an act of legislation into a compact or contract. Now, a contract must have two or more parties, each assenting to the instrument of agreement. But it is all idle to talk about the compacts in this ordinance of 1787. The articles so designated are destitute of the very first elements of reciprocal obligation. This arbitrary declaration is unilateral; it never had more than one party. That party was the Congress of the old confederation "overstepping its power," to borrow again the authority of Mr. Madison. The other party should have been the "people and States" (these are the descriptive words) of this new Territory, where there were then no States, and very few people. No assent was ever asked, none was ever given, either then or since, either expressly or by the most remote implication. Had the land been sold to the settlers upon condition that they should be considered as yielding their assent to this perpetual and unchangeable obligation, such an attempt to extort an unwilling obedience, and to barter great political rights and State equality for an unworthy consideration, though not defensible, might yet have been less reprehensible than this open attack upon the will of the people, the fundamental principle of the institutions of our country. But there was no resort to this expedient. The land was sold without condition, and the compact depends for its efficacy upon its own arbitrary authority. It must be recollected that, at the time this ordinance was passed, there were many thousands of people living in this Territory, settlers upon the Wabash, in the Illinois country, in the Detroit country, at Green Bay, at Prairie du Chien, and elsewhere, little colonies scattered over this extensive region, mostly relics of French enterprise; and they were all entitled by the treaty of peace to the privileges of American citizens. And still more it was declared in the deed of cession of Virginia; and as one of the conditions, that they should be "protected in the enjoyment of their rights and privileges." A precious kind of protection that, which inaugurated a new government by a falsely-styled compact, perpetually binding this transferred population to the most solemn obligations, without their assent, and even without their knowledge. These ancient inhabitants of the country constituted the counter party then actually existing; and this compact, by a kind of legislative legerdemain, was made forever binding upon them and their descendants. Why, sir, if there had been but one man in that country, instead of the thousands who occupied it, he would not have been bound by a contract he knew nothing of, and to which his assent was never asked. As to making a contract with unborn States and millions, by the simple act of a foreign body constituting itself one of the parties, and acting for the other, and without demanding its assent, now or hereafter, for all time to come, had we not witnessed the zeal with which this utter contempt of all the principles of law and ethics is maintained and defended, we might well doubt whether a single man could be found to contend for such a monstrous usurpation.

Mr. President, the honorable Senator from Georgia, in discussing this branch of the subject, and in alluding to the transfer of the Territorial governments from the confederation to the constitution, remarked that "by that constitution Congress was bound by all the contracts of the old government." He then quotes the first act of Congress, extending the new power over the Territories, and making some necessary changes in the provisions of the ordinance in

accommodate it to the changed state of things, and thus continues: "The ordinance purports on its face to be a contract between the people of Virginia, the inhabitants of the Northwest Territory, and the government of the United States, perpetual and unchangeable, except by consent of all parties." The error to which I have already referred lies in the view here presented, and it is sufficiently important to require correction. Sir, the ordinance of Congress of July 13, 1787, for the government of the Northwestern Territory, is no compact so far as respects that government, nor does it purport to be one. There is a prevalent misapprehension upon this subject, and the sooner it is cleared up the better. That ordinance contains twelve clauses, or sections, providing for the establishment of a government, and eventually of additional governments over the extensive region north of the Ohio river. All the arrangements, including those for the appointment of officers, the definition of their duties, the qualification of voters, and various other details necessary to this new political condition, are amply provided for. And all this is done in the ordinary form of legislation, claiming no peculiar sanctity, and repealable at any time by the existing law-making power. After making these arrangements for temporary governments, the only legitimate object of congressional legislation over a distant people deprived of representation, the ordinance proceeds with the declaration, that "it is hereby ordained by the authority aforesaid, that the following articles shall be considered as articles of compact between the original States, and the people and States in the said Territory, and forever remain unalterable unless by common consent;" and then follow six sections purporting to be those far-famed articles of compact.

1. The first insures the freedom of religious worship.
2. The second guarantees certain principles of the English common law, such as the trial by jury, and other well-known features of that code, which are ingrafted into our system. In the progress of political improvement, should the northwestern States deem it important to introduce changes into their jurisprudence by attempting to meliorate some of these provisions, they would find themselves deprived of the first attribute of sovereignty, and would be compelled to ask the consent of Congress, if this doctrine of the perpetual obligation of the ordinance is the true one.
3. The third section recommends the encouragement of schools, and the preservation of good faith towards the Indian.
4. The fourth declares that the Territory shall forever form part of the Union, and regulates its duties in relation to it.
5. The fifth provides for the establishment of boundaries, and for the admission of these new States.
6. The sixth prohibits the introduction of slavery.

These are the articles of compact, and all of them; and it will be seen they have no relation, none at all, to the establishment of Territorial governments. And it follows beyond contradiction, that, so far as concerns those temporary organizations, this ordinance is no compact; nor does it derive any vital force from that clause of the constitution which provides for the immunity of engagements, thus conferring a power of legislation which would otherwise be destitute of any validity.

The Senator from Georgia will now perceive the misapprehension to which he has lent his high authority. The six sections of the ordinance, called articles of compact, did not purport to be, as he supposes, "a contract between the people of Virginia, the inhabitants of the Northwestern Territory, and the government of the United States." They assume to be a contract "between the original States, and the people and States in the said Territory;" and so far from its "having been accepted by all three of the parties," it was never accepted by the original States, unless the passage of the law is called an act of acceptance; and as to the people and States of that new region, they were never asked for their consent, and of course never gave it. What is meant in these declaratory clauses by the States, as contradistinguished from the people, as I do not know, I shall not attempt to explain. The State of Virginia was no party to this contract, except in her capacity as one of the members of the confederacy, and therefore could not accept it. In her deed of cession to the United States, she provided that the expense of subduing the country should be refunded to her, and made arrangements for the reservation of land for her troops; and declared, as a condition of the grant, that the country should be divided into States, not less than one hundred nor more than one hundred and fifty miles square, providing, at the same time, for their admission into the Union. Congress enlarged the size of the States, and reduced the number to three, with power to increase that number to five; and it thus became necessary to ask the assent of Virginia to this change in the political organization of the country. That assent was given, and this is all the participation that Virginia had in the ordinance of Congress of 1787. She never acted on the subject of the Territorial governments, nor was she, as an independent State, any party to the exclusion of slavery from that region.

3. To pursue the investigation, I observe, in the third place, that this perpetual compact-constitution, in fact—has been declared invalid by the Supreme Court of the United States.

4. And, in the fourth place, admitting its validity and its operation as a constitutional "engagement," confirming the action of Congress over the Northwestern Territory, what becomes of the vast territorial regions since acquired by the United States, and where there have been no "compact," followed by "engagements," to carry jurisdiction with them? Whence is derived the power to govern, among others, the Territories of Kansas and Nebraska, and to

regulate their internal affairs, including all the relations of life? I turn over this question to those who advocate the extensive operation of the word "engagements" in the constitution.

5. And, in the last place, this inviolable compact has been coolly violated by Congress, without the slightest objection, and after a full report upon the subject to the Senate.

Among the irrevocable clauses of that compact is one, which provides that there shall be not less than three, nor more than five, States in the Northwestern Territory. Congress, after providing for five States, now Ohio, Indiana, Illinois, Michigan, and Wisconsin, made provision for another, at its pleasure, in the country north of Wisconsin and east of the Mississippi—forming part of the territory over which the ordinance of 1787 extended. So much for the irrevocable compact.

I now return to the three new sources of power, the reward of recent investigations, and which are, as I have said:

13. The right and duty of guardianship.

14. The transmissible power, by which the constitution of another country is substituted for that of the United States.

15. What may be called the paternal power, which places the general government *in loco parentis*.

The first of these has been recently urged in the House of Representatives, and the latter in the Senate. I leave them both without argument—epitaphs, I may say, for they will soon need them, as their tenure of life must be a brief one—contending myself with suffering the Senator from Iowa, [Mr. HARLAN,] to whom we owe the discovery of the second, to state his proposition in his own language. Illustrating it by the annexation of Louisiana, he said that "the United States, by a direct purchase, succeeded to all the rights and sovereignty possessed by the grantor, and hence became the actual, full, complete, and exclusive sovereign of the Territory." And afterwards: "It was a part of the dominions of France; she was its absolute sovereign. Hence the government of the United States must have succeeded to the same unrestricted rights, and may hold, exercise, and enjoy them, until she chooses to confer them upon another sovereignty."

I am not going to employ my time, and that of the Senate, so badly as to argue this point; to undertake to refute the proposition, that the Congress of the United States may seek its authority, not in our constitution, but in that of a foreign government, and thus transfer to a republic the powers of an absolute monarchy. The error of the speaker is obviously in deducing the power of Congress from the attribute of sovereignty, as I trust a few remarks I propose to make will show. For the third of these sources of power we are indebted to one of the most experienced and intelligent Senators who ever occupied a seat among us. He said upon that occasion, "the Territories are the children of the States—they are minors, under twenty-one years of age, and it is the business of the States, through their delegations in Congress, to take care of these minors until they are of age—until they are ripe for State government—then to give them an equality with their fathers." And, he added, with characteristic emphasis, "that is the law and the sense of the case." And thus the constitution is not to be merely interpreted, but it is to be interpolated, and its supposed omissions are to be supplied by useless analogies, drawn from youth and age, and applied with equal rashness and confidence where there is no reason for application. Analogy is not only utterly erroneous as a foundation of the means of construction even, but here it is destitute of any point of similitude; for the duration of a Territorial government has no connexion with the years of its organization, as that depends wholly on the amount of population; a Territory being entitled to admission into the Union as soon as it possesses sixty thousand inhabitants, according to the original arrangement, even if that event occur within six months after the establishment of its temporary government.

No reflecting person, sir, who reads in the annals of mankind the story of the never-halting tendency of every government to increase its power, can contemplate, without some anxiety, the additional proof which we are contributing to the experience of the world upon this subject. Analogies derived from physical, are transferred to political life, and become the foundation of some of the highest operations of government; and because a parent may rule a child, therefore Congress may rule the Territories. Attributes of national independent existence, like sovereignty, which carry with them coequal rights among the Powers of the world, but which confer no authority upon any department of our government, unless written down in the constitution, are appealed to as grants of substantive power, to be exercised at the will of Congress. There is no general grant of the right of legislation in the constitution. Its provisions on that subject are as cautious as they are wise and clear. "All legislative power ~~shall~~ GRANTED," says our charter, "shall be vested in a Congress;" and then follows the enumeration of its powers, with the declaration that all powers not granted are reserved, &c.

The word "sovereign" is not to be found in the constitution, and yet it is pressed into hourly and daily service in the investigation of our relations with the Territories, on one side to justify the exercise of unlimited congressional power, and on the other to prove that, as the Territories are not sovereign, the people living there have no political privileges. Strange deductions these, in a government of limited powers and of equal rights! And the Committee on the Territories, in their report, speak of the "sovereignty of a Territory remaining in abeyance, suspended in trust for the people till admitted," &c.; and, if I understood correctly the honorable Senator from Mississippi, [Mr. BROWN,] in his remarks the other day, he approved and

adopted these positions; and perhaps I should do so too, if I comprehended them; but as I do not, my incredulity may be pardoned. It seems to me, that this transfer to our government of some of the technical specifics of the English common law, which gladdened the hearts of Coke and his school in the days of legal metaphysics, is to mislead equally our eyes and our country. The simple fact repels all these subtleties. That fact is, that no one claims sovereignty for the Territory; or, in other words, no one claims that they are independent nations. That attribute, with respect to them, is not in abeyance; it is not in existence, any more than their membership of the Union or any other power, depending ultimately on admission. When admission comes, it confers these powers and conditions; until that time it is a mere act of fancy to suppose they are existing, and must be held by somebody, in trust for somebody else, lest they perish. They may never come into existence, for that depends on a state of things which may not happen; such as the amount of the population, the wishes of the people, &c. All these nice and learned distinctions give no jurisdiction to Congress. If they did, they would make that body what the constitution has not made it, a kind of reservoir, holding all that is given, and all that can be taken. There is no such power in the book. You can find in the constitution no recognition of sovereignty in Congress; nor, if there were, is any grant of power attached to that condition. That instrument grants authority to Congress to declare war. If that authority were not thus delegated, will any man venture to assert that Congress might assume it by virtue of the sovereignty of the nation?

In the people of the United States resides the sovereignty of this country; and we may go to the elementary writers to ascertain what rights that high attribute gives to us among the Powers of the world; but we must go to the constitution of the United States to ascertain what department of the government, if any, can exercise those rights; and if we do not find it written down there, the power belongs to the States or to the people. And I have recently seen speculations in some of the public journals which show that this constitutional fallacy has "increased," is increasing, and ought to be diminished." The following extract furnishes proof of its extent:

"We cannot conceive how any doubt can arise as to the full, perfect, unlimited, and sovereign power of the federal government over the Territory of Kansas as the agent or trustee of the existing States." \* \* \* "These States can only exercise their sovereign, administrative, and governmental rights through the instrumentality of the territorial governments."

Full, perfect, unlimited sovereign power! Large words these, and large would be their extent. They carry with them Wilnot provisos, and every other tyrannical infliction it may please the calculation or the caprices of Congress to visit upon the people; and all this power comes not from the constitution, but "from the purchase of Louisiana, and the subsequent extinction of the Indian titles," which gave us the territory "to dispose of and govern as we pleased for the common benefit of all the States." I suppose the constitution gives the right of foreign acquisition, and that it is derived from the treaty-making power. When territory is acquired, it comes under the operation of the constitution, and Congress must go to that expressed will of the American people to ascertain its powers before it can exercise them. This anomaly maintains that acquisition gives Congress the power of disposal and of government. It gives the title, but the power to dispose of the "property" is expressly given by the constitution; and had it not been so given, it could not have been exercised while the power of government is an omitted case, unless, indeed, it is an incident to a granted one, and is not to be supplied by attributes and analogies.

These views, sir, previously announced, as we have seen, by the Senator from Iowa, [Mr. HARRIS,] and as establishing the right of Congress to prohibit slavery in the Territories, are also announced in one of the most respectable and justly-esteemed journals in our country, though certainly with no concurrence in that conclusion. But how it is to be avoided I know not, and cannot conjecture.

In the days of the patriarchs of the Democratic faith—of the great teachers in the school of strict construction—such a derivation of the authority of the general government would have been denounced as a dangerous heresy. Jefferson, and Madison, and Taylor, and Mason, and their political roadsters, went to the constitution for the powers of Congress, and not to the code of Napoleon, nor to the code of Powhatan, or Pontiac, or Tecumseh. And these, and other pretensions I have not time to examine, to enumerate even, and which hardly need refutation, abound in the debates and discussions which this subject, prolific in heresies, has called forth. I leave them, not in their strength, but in their weakness, and proceed to say that, if the power to regulate and sell land—for this is the grant, and all the grant—conveys full legislative authority over this property, and over all persons living not only upon it, but in the same region of country, making man the mere incident of property—never were words more unhappily chosen, and never was a character for clearness and perspicuity, which has been heretofore universally accorded to the phraseology of the constitution, more unjustly acquired. The Senator from New Hampshire [Mr. Hale] has attempted, as others have attempted before him, to derive full legislative power from the words "rules and regulations," because, being enacted by legislative authority, they are, in effect, laws. I am not going, sir, into the subtlety of this investigation. All I have to say is, that the very fact that the convention provided for the adoption of rules and regulations respecting the public land is a strong presumption that there was something different from the ordinary exercise of legislative power. When they

provided for legislation over the District of Columbia, and the reservations of the United States, they did not call it rules and regulations, but they called it by the proper term, legislation, saying, "so it did, full jurisdiction over American citizens, and all the concerns of life." The convention used the term "rules and regulations," because they did not grant general powers of legislation, but power to govern and regulate the property of the United States. The intelligences of the convention would be but little esteemed, if, at the commencement of the constitution, instead of the present provision, that "all legislative power herein granted shall be vested" &c., they had said that all the powers to make rules and regulations herein granted shall be vested, &c.; or if, instead of the enactment of the eighth article, that "this constitution and the laws of the United States which shall be made," &c., "shall be the supreme law of the land," it had been declared that this constitution, and the rules and regulations which shall be made, &c., shall be the supreme rule and regulation of the land.

I will merely add, Mr. President, that the word "territories," inserted in the eighteenth clause of the eighth section of the first article of the constitution, which grants legislative power to Congress over the District of Columbia, and over the reservations or cessions for forts, &c., in the several States, would have conveyed all the rights of government, and would have placed the relations between these political communities and the national legislature beyond doubt or dispute; and so would seven words, "Congress shall exercise legislation over the Territories," to adopt the phraseology of the clause just referred to and used by the convention, when it intended to grant the power of government in exceptional cases. But the constitution contains no such clause nor words, and their place is not to be supplied by forced constructions, founded upon no just principle of interpretation, and at war with the first elements of human freedom. As Judge McLean well remarks, "Such a power was given in relation to the District of Columbia, and it was equally necessary in regard to other Territories;" but it is not there, and no power but that of the people can place it there.

The cause of the failure of the convention to make provision in the constitution for the government of Territories was well explained by the senator from Missouri [Mr. Geyer] in his powerful and interesting discussion of this general subject. The ordinance of 1787, which preceded the signing of the constitution, had exhausted the territorial possessions then belonging to the United States. It provided for the political organization of the whole western territory, as it was called, being the country north of the Ohio and east of the Mississippi, making both temporary and permanent arrangements for its condition. And this accounts for the fact that the proposition of Mr. Madison, to make provision for a power of government, was negatived in the convention, evidently under the conviction that the whole subject had been disposed of by the ordinance of 1787; but the power of regulation and sale, making part of the proposition, was accepted and adopted into the constitution, because the title yet remained in the United States.

Much of the confusion which accompanies this subject has obviously arisen from confounding the word "territory," as used in the constitution, with the word "territories," as applied by law and by custom to political communities; as the term "colonies" is applied in England and to such an extent has this gone, that we find the phrase often quoted as a constitutional provision, that Congress shall have power to regulate the Territories of the United States.

Mr. Venable said in the House of Representatives:

"Sir, the constitution provides for Territories as property, and authorizes Congress to dispose of and make all needful rules and regulations."

And what is less excusable is the commission of the same error by Chancellor Kent, who, in his Commentaries on the Constitution, equally misquotes that instrument, making it read:

"Congress shall have power to dispose of and make all needful rules and regulations respecting the Territories or other property of the United States."

Had we retained the appellation "colonies" this confusion would have been avoided, and this claim of political jurisdiction never have arisen under the power to sell land, for then we should have had no double meaning attached to the same word.

The political organization of the Territories is not provided for in the constitution any more than it was provided for in the old articles of confederation. With respect to the latter Mr. Madison said that, in creating temporary governments over the Territories, Congress had acted without the least color of constitutional authority. He justified the act by "the public interest, the necessity of the case, [which] imposed on them the task of overleaping their constitutional limits." And he added: "yet no blame has been whispered."

And such is precisely the condition of the relation between Congress and the Territories under the constitution; and such, and no other, is the justification, excuse rather, as far as it goes, for congressional action—what Mr. Jefferson calls "an excess of authority, for which a representative is responsible, when," as he says, "he must throw himself upon his country for his excuse for doing the act." And such act must extend no further than to comply with the necessity which calls it into being. I call the attention of the senator from New York to the language of Mr. Madison, which I have quoted.

The following extract is from an able review of the subject by Judge McLean:

"The true constitution of the constitution is, that implied powers can only be exercised in carrying into

effect a specified power, and this legislation is limited to such measures as shall be appropriate to the object. This is a definite rule of construction. It is believed to be the only one which has been sanctioned by justice and common sense. Powers exercised beyond this are not derived from the constitution, but from a despotic and unlimited discretion, and this is despotism. Now there is no specific power in the constitution which authorizes the organization of Territorial governments. Such a power was given in relation to the District of Columbia, and it was equally necessary in regard to the other Territories. But if this power is supplied from the specific power given to regulate the disposition of the public lands, it must, under the above rule, be limited to means available to the end in view. If Congress go beyond this in the organization of a Territorial government, they act without limitation, and may establish a monarchy. Admit that they may organize a government which shall protect the land purchased, and provide for the administration of justice among the settlers, it does by no means follow that they may establish slavery. This is a relation which must be created by the local sovereignty. It is a municipal regulation of limited extent, and necessarily of an equally limited effect. It is a despotic relation over which the federal government can exercise no control."

Judge McLean lays down the proper boundary of congressional interposition. It should be confined to the organization of governments, leaving untouched the domestic relations, whether of husband and wife, of parent and child, of master and servant, or of any other of the social conditions "over which the federal government can exercise no control." And this is in conformity with the views of Mr. Madison, who said:

"This power of governing the people without representation is in suspension of the great principle of self-government, and not to be extended further, nor continued longer, than the occasion might fairly require."

The power, then, however derived, is confined to the establishment of Territories, and to the organization of their governments, leaving the inhabitants in possession of the rights of internal administration, to be exercised at their pleasure, subject only to the constitution of the United States.

Beyond this establishment and organization there is no necessity for the action of Congress, as the people are fully competent to administer their own domestic affairs, and the power, being derived from necessity, stops where the necessity ceases. In a written constitution like ours, where we have a perpetual standard, to which legislative powers may be applied, and by which their obligation may be tested, the authority of precedent is entitled to far less weight, than where political institutions depend upon tradition for their organization. There is no doubt but that the constitutional government early placed itself, with respect to the Territories, in the relation previously occupied by its confederated predecessor, and went on with the same legislative and executive work; but, so far as we know, this process provoked no investigation. There is not the slightest reason to believe that, for many years after the adoption of the constitution, the constitutional principles involved in this exercise of power were made the subject of examination. The contemporaneous debates reflect no light upon this subject. It seems to have been conceded, or silently acquiesced in, without direct concession, that Congress should proceed and fulfil the functions, which had been discharged by the legislature of the confederation; and it was not till 1820, upon the approach of the Missouri controversy, that this question underwent a searching investigation. Certainly, the *sub silentio* assumption of jurisdiction is but a sandy foundation for the exercise of power under the constitution as vigilantly guarded as ours. It wants something far more solid than that to justify the superstructure of authority which we have seen erected upon it. In this uncertainty we are left without the means of judging what different clauses of the constitution were relied upon by different members of the legislature, each in support of his own opinion, whether the land-disposing power, the State-admitting power, the treaty-making power, or any other power, through the long catalogue of enumerated grants, including the action from necessity, as the grant which conferred this jurisdiction upon the national legislature. Opinions then may have been as various as they are now. Surely the assumption of the right of legislation under these circumstances carries with it no such weight of opinion as would give any authority to the interpretation of a doubtful constitutional principle. The fact is, that thirty years of legislation are lost, so far as regards the effect of precedent; and till the Missouri compromise there was no such contest of mind as, when continued, is sure to separate truth from error, and to establish the ascendancy of the just principles of the constitution.

So far as respects my own personal views, I beg leave to say that my opinion of the want of constitutional power in Congress to exercise political jurisdiction over the Territories has been long entertained and expressed. In the Washington Globe of March 31, 1832, may be found a review of the decision of the Supreme Court upon the Cherokee question, in Georgia, which was written by me, and read to and approved by General Jackson, and by my colleagues of the cabinet, and which I said:

"The power to dispose of and make general rules and regulations respecting the property of the United States; and the power to exercise general jurisdiction over persons upon it, are essentially different and independent. The former is general, and is given in the clause referred to. The latter is special, and is given in another clause, and confined to the federal districts, and to places purchased by consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

The principle of the establishment of local governments by a metropolitan authority, and the administration of such governments by those over whom they operate, is familiar to every American. It forms a memorable chapter in our colonial history, its violation by the British Parliament having constituted the great political oppression, which led to the war of independence. It was announced in the declaration of the Continental Congress of 1774, in these words: The English colonists "are entitled to a free and exclusive power of legislation in

their several provincial legislatures, where their rights of representation can also be preserved in all cases of taxation and internal polity," &c.

From the preceding considerations it follows that, when Congress established a Territory and organized its government, it has exhausted its power, and the people of such Territory have the right to adjust every question of their "internal polity," to use words rendered dear by the patriots of the Revolution, in the mode most acceptable to themselves, subject only to the constitution.

In these days of political metaphysics it has been objected to this view of the relations subsisting between the general government and its Territories, that there is not a fixed tangible boundary between the power of the superior authority and that of the dependant one; that in the organization of these temporary governments Congress have assumed many powers, incompatible with Territorial self-government; and those thus objecting would, therefore, test the existence of a principle of human freedom by its liability to abuse. No doubt but these organic acts have gone too far in interfering with the rights of people deprived of representation in the body assuming to govern them. Those legislators who find in the constitution a direct grant of unlimited power, have only their own discretion to counsel in its exercise; but those who deduce such an authority from the necessity of the action of Congress to preserve social order, or to carry into effect any granted power, are bound not to exceed the limits prescribed by their own principle, but to leave to the people the enjoyment of all rights compatible with this duty of organization. Certainly there may be honest differences of opinion as to the necessary extent of these paramount regulations, providing the rules of administration, touching the appointment of officers, the qualifications of voters, and various other points relating to the institution of a government. For myself I believe that the federal legislature has gone too much into detail in this exercise of a power which, as Mr. Madison said, is in suspension of human freedom, and that the management of all their concerns, after setting the government in operation, should be left to the people themselves. But, after making allowance for these different views, when we come to the internal affairs of a remote Territorial people—to those sacred domestic relations, which no foreign authority can touch without an act of unmitigated despotism—we reach a practical boundary which no Congress of Washington or of Westminster should overstep. There is no necessity to justify such interference, and therefore no rightful power to assume it. Our revolutionary fathers were too clear-headed to lose themselves in the mazes of such subtlety, and admitted the principle of organization, even with the doubts which might sometimes arise in its practical application.

The people of the Territories do not derive this attribute of self-government—the power of internal legislation—as a boon from Congress. All they derive from that body is the opportunity of exercising it; and even this they may rightfully assume by their own act, whenever the national legislature refuses, or unreasonably delays, measures of organization; as in the case of California, where the people were driven, in the maintenance of social order, to those first principles of self-defence, which belong not less to communities than to individuals, and which neither predicates nor copulas, nor all the apparatus of verbal logic, can wrest from them. I do not speak of a revolution. That is the ultimate resort for oppression. I speak of rights and necessary acts within the proper allegiance of a colonial community to a paramount authority.

The just foundation of local legislation is laid down in the Declaration of Independence, wherein it is said: "Legislative powers, incapable of annihilation, have returned to the people at large for their exercise." Returned to the fountain whence they issued—to the people to whom they belong—not to king, Congress, nor Parliament.

It will be observed that in this analysis I have examined the question as a general one, within the constitution, of the legislative power of the people of the Territories under acts of organization, where no specific objects are enumerated over which legislation may exist. The Kansas-Nebraska acts, however, render a decision of the general question unnecessary, for they contain an express grant—recognition rather—of the right of the people of these Territories to regulate the condition of slavery for themselves, unless prohibited by the constitution of the United States. Is there such a prohibition? I believe there is not; and I submitted my views upon the subject in this body at some length on the passage of these acts. I will not go over the question again at this time, for I feel that I am already trespassing too much on the indulgence of the Senate.

But I will add, sir, that the honorable senator from Mississippi [Mr. Brown] mistakes the position of the two distinguished gentlemen, to whom he alluded in his remarks the other day, if, as I understood him, he supposes that in their opinion the people of a Territory ought not to have the right to regulate the question of slavery for themselves. These gentlemen are the President of the United States, and the chairman of the Committee on Territories, the member from Illinois, [Mr. Douglas.] I am gratified in being able to assure the senator from Mississippi that they have both announced their adhesion to this American principle of self-government. The former calls it "the true principle of leaving each State and Territory to regulate its own laws of labor according to its own sense of right and expediency." The latter, when the Kansas and Nebraska acts were under discussion, took the opportunity of referring to and reaffirming the sentiment on this subject which he had avowed and supported while the bills for the establishment of governments in Utah and New Mexico were under consideration. When a proposition was pending at that time, prohibiting the local legislatures from legislating on the subject of slavery, he observed:

"I wish to say one word before this part of the bill is voted upon. I never consented that I rather regretted that a clause had been introduced into this bill providing that the Territorial governments should not legislate in respect to African slavery. The position that I have ever taken has been that this and all other questions relating to the domestic affairs and domestic policy of the Territories ought to be left to the decision of the people themselves, and that we ought to be content with whatever way they may decide the question, because they have a much deeper interest in these matters than we have, and know much better what the situation is than we do. We have never seen them can decide for them."

And again:

"I do not see how those of us who have taken the position which we have taken, (that of non-interference,) could have argued in favor of the right of the people to legislate for themselves on this question, can support such a provision without abandoning all the arguments which we urged in the presidential campaign, and the principles set forth by the senator from Michigan in that letter which is known as the Nicholson letter. We are required to abandon our platform. We are required to abandon those principles and to sustain ourselves, and to adopt the opposite doctrine; and for what? In order to say that the people of the Territories shall not have such institutions as they shall deem adopted to their condition and their wants."

And yet again:

"But I desire, that if left to myself to carry out my own opinion, I would leave the whole subject to the people of the Territories themselves, and allow them to introduce or abolish slavery as they may prefer. I believe that is the principle on which our institutions rest."

Mr. FOOT. The usual hour for adjournment having arrived, if the senator from Michigan will yield the floor I will move an adjournment.

Mr. CASS. I yield to the senator's suggestion.

TUESDAY, May 13, 1856.

This morning the further consideration of the subject was resumed at the usual hour, and the honorable senator from Michigan thus concluded:

Mr. President, yesterday I submitted to the Senate a view and review of the constitutional principles which regulate the relations between the United States and their Territories, and of the course of legislation with regard to those dependencies; and to-day I propose to submit some remarks upon the state of things in Kansas, and upon the measures which Congress is called upon to adopt.

Mr. President, I am not going into a detailed examination of the occurrences in that Territory which render our interposition necessary, especially after the investigation which they have undergone, and which we have read in reports and listened to in debates. I shall deal only in general facts, with a view to general conclusions.

In the first place, sir, allow me to observe, that whatever unjustifiable proceedings have taken place in Kansas—and there have been too many of them—they have not shaken, in the slightest degree, my conviction of the right of man to govern himself, nor my confidence in the salutary operation of that true principle of human authority. I have read and heard answering remarks upon the so-called failure of the experiment of popular sovereignty, preposterously called an experiment, after our experience of generations—remarks made, I have no doubt, by those who desire a failure. Even were it so, it would not touch the question, unless we are prepared to test the truth of a great principle by its accidental abuses. The political organization of our country is the history, as well as the exemplification of popular sovereignty for a long series of years. Glorious has been its work, and more glorious will it be hereafter; and yet there is scarcely a State in the Union in which, at some period of its existence, commotions have not broken out, and the laws been resisted, and sometimes the most alarming consequences threatened. But these have all happily passed away; and while leaving their memory a warning, leaving it also a proof that free institutions carry with them the power of self-conservation and the means of safety. And in all this time, and during many a day of trial and danger, not one human life has been sacrificed to avenge the law, or to restore its supremacy! What other country can say as much since the first institution of governments after the dispersion of the descendants of Adam upon the plains of Shinar? I am satisfied, from some examination, that there was a greater waste of human life and treasure in the riots of London, in 1780, than there has been in this country in all the acts of resistance to the public authority which are found in our history, colonial or independent. Does the experience of the world show that man is fitter to govern others than himself, and that power is safer with the few than with the many? Let history and all this question, and answer also the indignant interrogatory of Mr. Jefferson, "Have we found angels in the form of men to govern us?"

There were peculiar circumstances attending the institution of government in Kansas to which, and not to the principles that regulated it, are the lamentable proceedings to be traced. Those principles were wise and just, and not a voice has been raised in their condemnation among the people over whom they were to operate. From the 6th of July, 1776, to this day, they have been the American guides of political organization; but at this time they were applied to a country beset with external, rather than internal, difficulties and dangers. These arose out of the question of slavery, which seems destined by its opponents to remain eternal subject of agitation—a subject which, though never sleeping, becomes quadrupled more violent as the presidential term approaches its renewal. This is its recurring season, and time and ex-

patients teach us no lesson of wisdom or forbearance. My sentiments on the general subject of this slavery excitement are already before the country, and events as they pass by serve but to strengthen my convictions. I listened with deep interest the other day to the masterly speech of the senator from Alabama, [Mr. CLAY,] who, while doing justice to his constituents, did honor to himself and to the Senate. Though I dissented from some of his remarks and conclusions, yet in the general scope of his observations there was great force and justice—condemnation of the gravest character, appealing to every true-hearted American. While I listened to the complaints he spread before us in behalf of the South against the North, I wished I could deny their justice, but felt that I could not; and as he proceeded with his recapitulation, I felt also that this eternal warfare against one half of the Union had become as disgusting by its repetition as it was unjust in itself and dangerous in its consequences. I began to have as little charity for many of those engaged in this crusade as sympathy with the movement itself. The South intermeddles not with the social institutions of the North; let the North exhibit the same spirit of toleration, and we shall be the strongest and the most contented, as we are the freest, nation on the face of the globe. We have been told here, time and again, recently and formerly, that there is no design to interfere with slavery in any of the States of the Union. The power is disavowed as well as the purpose; but the disavowal is contradicted by events that are hourly passing before our eyes. He who believed in a higher law, of whose extent and obligations he is the judge, and which justifies him in disobeying a human law, is prepared to follow the fantasies of the wildest imagination. What is the constitution to him who has a constitution of his own, overruling and overriding the laws of his country? Why, sir, in the House of Representatives during the present session of Congress, a member from New York maintained that "slavery in the United States is unconstitutional, and therefore unlawful." "The constitution, both in spirit and express terms, repudiates slavery, and bars its existence."

And even now we are just told, by a resolution of the "American Anti-Slavery Society," "that the right to enslave a human being, on any pretence whatever, is not a debatable question, any more than is the right to commit adultery, burglary, highway robbery, or piracy."

And we are told, in another resolution, "that they are struggling to drive slavery out of the land." It requires a good deal of moral courage, in the face of such declarations, to contend that no one entertains a design to interfere with slavery in the States. No man of ordinary sagacity can doubt the tendency of the doctrines which are disseminated in high places and in low places upon this whole subject, and that are addressed to passions more easily excited than reason. Among other dangerous signs, a spirit of fanaticism is evoked, before which the guarantees of the constitution may be prostrated, as easily as the marks on the sand are obliterated by the incoming tide of the ocean. It is already doing its work, and this is the most alarming symptom in this terrible national malady. It is fostered and encouraged by men professedly servants of the Most-High, and ministering at His altar. It prostrates the judgment and almost paralyzes the conscience, and prepares the excited mind for strange delusions and dangerous deeds. The scene which lately passed at New Haven, when God's day and God's house were desecrated by appeals to fierce passions to stimulate men to action, instead of being devoted to their true purpose of guiding and restraining them, was a spectacle to be contemplated with regret, with indignation indeed, and alarm. The temple at Jerusalem was defiled by the money-changers, who converted it into a bank of that day, and made it a scene of abominations. Our Saviour drove them out, saying, "It is written, my house shall be called the house of prayer, but ye have made it a den of thieves." The house of prayer is now made an armory for the collection of weapons to arm Americans against their countrymen: and clergymen are not indeed money-changers, but gatherers and distributors of carnal, not of Christian weapons, to fight the battles of the flesh, and not the battles of the faith, forgetting that "all they that take the sword shall perish by the sword;" and that they are warned by the apostle of the Gentiles that "the weapons of their warfare are not carnal," &c.

Mr. President, to preach the gospel of Jesus is work enough for any human heart and intellect. He who devotes himself to this duty and then goes after strange gods, entering the field of politics and mingling in its strife and bitterness, does more injury to the cause of true religion within the sphere of his labors, than the writings of Voltaire and Hume; and all the other idol authors who ever sought, by their sneers and malign influence, to destroy human confidence in the most precious gift of God to man. And it is a consolatory proof of the reality of revealed religion, that it is equally triumphant over the assaults of its open enemies and the insinuation, or something worse, of its professed friends.

I have already remarked that the intention to interfere with slavery in the States is disavowed, and therefore the more immediate theatre of these labors of strife is the Territories; over which there is no constitutional grant of power in relation to this subject; and if there were, there would be no justice in its exercise, because it is a question which the people are competent to determine for themselves, and which cannot be determined for them by a foreign body, where they have no representation, without violating a great principle of self-government; the very foundation of our institutions, in defence of which our fathers engaged in a contest with the mightiest nation on the face of the globe. I have no patience with Americans who thus condemn the patriots of the Revolution, casting dirt on their fathers, as, in eastern phrase is, and seek to exercise a power over another which they would suffer no man to exercise over themselves. Upon the very first attempt they would indignantly resist at home the interference

they can loudly call for elsewhere. Their consciences, which now dictate violent action, where self-interest is concerned, would soon learn their true duties when their own rights were in question. And the tool, violence, indeed, with which this claim to govern others, without their own consent or co-operation, is asserted and prosecuted in the very face of our whole history, is a moral phenomenon, betokening some strange hallucination.

And it is a part of the prevailing system of aggression to excite and nourish prejudices against the South by making slavery the perpetual theme of denunciation, and too often of misrepresentation, as though, if it were all its enemies say of it, the present generation, of whose social system it makes an essential part, were responsible for its introduction, or could annihilate its existence. It came to them by inheritance, not by their own co-operation; and when or how it is to cease is known only to Him who holds nations, not less than individuals, in the hollow of His hand, for it is beyond the sagacity of man to discover. The emancipation of nearly four millions of human beings of a different caste and color and condition, living in a state of servitude, among a superior race—superior in numbers, in power, in intellect—is a fearful question, which no right-minded man can contemplate without the deepest solicitude. I am not presumptuous enough to say how it could be done. But of this I am certain, that it is a matter which should be left to those whom it vitally interests, and who alone can decide it. If it were in my power to set free, to-morrow, every slave in the United States, I would not do it. I think the act would be followed by fearful convulsions, the apprehension of which should cause the wisest to pause and the firmest to tremble. The result of the experiment which England made in the Antilles, has not been such as to encourage other countries to follow the example. The standard English historian, Alison, in a new volume of his great work, which has just issued from the press, tells the story in melancholy terms. He says:

"The effect of the emancipation of the negroes has been to ruin our own planters, stop the civilization of our own negroes, and double the slave trade in extent, and quadruple it in its horrors."

His repeats:

"Disastrous as the results of the change have been to British interests, both at home and in the West Indies, they are no nothing to those which have ensued to the negroes themselves."

To emancipate a comparatively small number of slaves in a West Indian island, which may be covered by the troops and surrounded by the fleets of the mother country, is one thing. To do the same deed of liberation in a far-spreading region, measured not by miles, but almost by great circles of the globe, and destitute of a military force to restrain the revengeful promptings or the dangerous suggestions of suddenly-acquired freedom, is another and quite a different thing. Believing that slavery is a misfortune to any country, I hope that it will come to an end in ours; but it must be in God's good time, and in some far away day, when master and slave are prepared for it.

In the prosecution of this warfare against the character, the tranquillity, and the rights of the South, the press, not less than the pulpit, has been made an active coadjutor, and the world has been inundated with log-cabin books, and other productions of equal fairness and value, and about as worthy of credit as the travels of the renowned Gulliver, too often drawing their facts from the imagination, and their conclusions from the dictates of a wild or false heart, or of a disordered head. Sir, I am no defender of the South. It needs not my aid. It has powerful advocates here and elsewhere, able to assert its cause; and the latest among them, who has volunteered in this commendable work—the member from Louisiana, [Mr. BENJAMIN]—in his address to the Senate a few days ago, made an appeal to American justice and patriotism which I have never heard surpassed in vigor of intellect, or in true eloquence. The undivided attention of this high body was a just tribute to the effort of the gifted speaker. As a man loving my country, and jealous of her name and fame among the nations of the earth, I feel indignant at these atrocious calumnies upon a large portion of my countrymen, and I have no disposition to conceal nor to repress that feeling. I know something of the condition of the slaves; and I believe, as I have before said in this place, that they are treated with all the humanity which can reasonably be expected in their situation—with a humanity honorable to the proprietors as a class, and, to say the least of it, quite as well as they would be in the northern States, had this kind of servitude survived till this day, and far better than by many, whose philanthropy is shown by scolding and reproachful words they utter, and not by the relief they contribute to human misery.

I know something also of the condition of the poverty-stricken population of Europe, of a large portion of the inhabitants who lie down in sorrow and get up in care, and who pass their lives in want; and many of them in a state of destitution utterly unknown in this country. And I have seen more misery in the proudest capitals of Europe than I ever saw in our own favored land, among white or black, bond or free. The condition of slavery has existed since the earliest ages of the world, and regretted as it is, and must be, by the moralist, it is a great practical question, which every established community must arrange for itself. The Revolution found it in most of the States, and there it was at the adoption of the constitution, and in many it yet remains, making part of the rights and guarantees of the confederation. To touch it by the general government would be to shake to its corner-stone our whole political edifice. And disavowed as that purpose is by many of those who are engaged in this warfare, and who take counsel from discretion, seeing the full time has not yet come, it should be obvious to the most superficial observer that the inevitable tendency of this state of quasi-hostilities is to weaken the fealty and attachment to the Union; to create a morbid excitement, by which the mind and the heart are intently fixed upon one object, the abolition of slavery to the exclusion

of many a true work of charity, and to the extinction of many a kindly and patriotic sentiment, and also to the imminent hazard of following the institution, with hostile views, wherever it exists, as regardless of the rights of others as of the constitutional securities which protect it. It would almost appear as though the whole stock of philanthropy—of talking philanthropy I mean—in portions of the country were exhausted upon the black man, and that the men of our own race were out of the circle of human sympathy. All this would be but regrettable were it not rendered serious by its danger. Its effect is but too palpable in the heart-burnings it has created on each side of the line of separation. This condition of the public mind excites my apprehension, and ought to awaken the attention and arouse the exertion of every true patriot before the evil day is upon us, and the deed of disunion shall be done.

When the Kansas act was passed it was hoped that the great principle of self-government embodied in it would lead to the tranquil adjustment of much of this controversy. It was looked upon as the olive branch, announcing the recession of the waters of bitterness. And such would it have proved had the people of the Territory been left to regulate this subject for themselves. The times indeed were not as propitious as they would have been had a better spirit prevailed at the North. The fugitive slave law had been opposed, and its operation vilified and obstructed. Laws had been passed incompatible with the provisions of the federal constitution, and confessedly from hostility to the South, and other acts were done, and sentiments avowed, of the most unfriendly character, which are too fresh in general recollection to require recapitulation. And under these circumstances commenced the settlement and the government of Kansas.

I have said that I had no purpose, minutely to recall the untoward events which accompanied the progress of this movement. I have read with care the narrative compiled by the senator from Illinois in his report, and while it is marked with signal ability, it seems to me to be marked also with a commendable regard to the truth. I have rarely read a more powerful State paper, and in my opinion it entitles its distinguished author to the thanks of the country.

It is easy to trace the disturbances in Kansas to their true source—to external interference. That portion of the Union connected with slavery, and where it is not merely a question of servitude, but also of safety, were in much and just excitement at the unconstitutional assaults upon this element of their social system. And this moment was chosen by the partisans of abolition in the northern States to organize emigrating parties, supplying them with assistance described by a learned professor at New Haven "as moral encouragement and material aid in money or arms." And these new implements, not of agriculture, but of death, were designed for human bodies, instead of a virgin soil; and, as the same literary gentleman said, while defending this charitable contribution, they "were to be wielded by strong hands and directed by courageous minds." And "this material aid" was commended to the precaution of the emigrants, who were advised to hasten on to the promised land, not for their own sakes, looking forward to the reward of industry and enterprise in a new country, but as soldiers, to fight a political battle, with such weapons, whether of law or of iron, as circumstances might render expedient. It is not surprising that the approach of these new adventurers, avowing designs peculiarly obnoxious to the neighboring State of Missouri, should excite alarm, and lead the people to combine in order to resist combinations.

I am accounting for this state of things, not justifying it—and the solution is found in the ordinary principles of human nature. Confederations, to bring about great public purposes by those who seek them, are sure to be met and resisted by antagonistic unions. I think there was no justification for the interference of persons in the northern States who did not intend to emigrate to Kansas, with a view to control the political course of the emigrants, and to pledge them to a particular line of policy, stimulating their feelings while supplying the means; and it is my deliberate opinion, that those who planned and promoted this scheme are morally responsible for many of its deplorable consequences. At the same time, I think that the emigrant who went to Kansas to become a *bona fide* settler, was in the exercise of his constitutional right, when he proclaimed his purpose by lawful means to oppose the introduction of slavery, and when he followed that purpose to its consummation at the polls. But I cannot say the same of the irruption of citizens from Missouri, some armed and some unarmed, who entered Kansas, with no design to become residents, but to control the political power of the Territory with a view to political action. I believe the extent of this unfortunate movement has been overrated; but, after making all reasonable deductions for exaggeration, enough yet remains to excite regret, and to call for condemnation. The sanctity of elections is the very palladium of our liberty. The places where they are held should be holy ground, where neither fraud nor violence should be permitted to enter. And, above all, they should not be entered by armed parties, with a view to subject this living element of freedom to lawless violence—thus bringing disorder upon our institutions, and weakening respect for the laws, and impairing their obligations. I cannot be restrained by any considerations from this expression of my regret and disapprobation.

Passing now, sir, from these topics, I shall briefly refer to the occurrences in Kansas connected with the organization of its government, in order to ascertain how far the Executive is justly liable to the censures we have heard proclaimed, and what course it becomes Congress to adopt in the present conjuncture of affairs there. The majority and minority reports of the committee afford all the facts necessary to a just appreciation of the circumstances. I shall therefore deal mostly with results.

The organic law made provision for the institution and operation of the government. The principal agent was the governor, and under his directions the preparatory measures were all

taken, and the elections held. Evil passions were abroad, and in some of the districts irregular and violent proceedings took place, of which the committee reports give the history. But the necessary returns were made; and both branches of the legislature were declared constituted, and were recognised by the proper authority. Some of the returns were contested, but the seats of the majority of both bodies, forming a legal quorum for each, were not disputed, so that there was no just pretence for denying the legal organization of the legislatures. There is no need, for any purpose, I propose to myself, to pass in review the local controversy concerning the first election, the setting aside of the returns by the governor, the second election held by his order, or the ultimate decision of the council and house as to the persons entitled to the contested seats in those respective bodies; because, after the convocation and organization of the legislature, the qualification of its members was a subject within its own jurisdiction, as an incident of its existence; as much so as the power to preserve order. And that jurisdiction could not be rightfully disputed without the interposition of Congress, however it may have been exerted, unless made a question before a judicial tribunal. This principle is universal; and the proceedings of a legislature cannot be invalidated by any allegation of erroneous decisions respecting the qualification of its members.

In the progress of this inquiry we are now brought to the accusations against the Executive. What are they, and how are they prosecuted and maintained? But before proceeding to the consideration of this branch of the subject, I must request the attention of the Senate to an episode in the progress of our investigation, which comes to relieve the monotony of the work. The honorable senator from New York [Mr. Seward] has placed himself prominently among those who seek to charge the occurrences in Kansas to the President; and he tells us, in advance, that those who do not adopt the course which he recommends—that is, the immediate admission of Kansas—will reject it in “the hope of carrying African slavery into that new Territory.” His speech was heralded before delivery, and applauded after it; and it is evidently considered by those who concur in his opinions as the test and standard of their views and purposes. It has been carefully prepared, and is an elaborate assault upon the President, “an elaborate misconception,” to borrow the language applied to him by the senator, and an unsparing denunciation of the course of the administration and of the views of a majority of the Senate, while it is made the vehicle of opinions peculiar to the senator, some of which are rather shadowed forth than distinctly announced. These considerations, not less than the high character of the speaker, give special importance to his effort; and I propose, therefore, to examine it with some attention, in order to condemn and correct portions of his statements and doctrines more particularly obnoxious to animadversion.

But while I shall do this plainly, as the importance of the subject demands, I shall do it, I trust, in a proper spirit, and with kind personal feelings towards the Senator. I shall apply to him no allusion nor epithet—for it is not my habit—that ought to offend even fastidious delicacy, except such as is applied in his speech to the President of the United States; and I mean to make my application more just than his. And I shall do this in the hope that this season of the return of the chalice—not poisoned, but vituperative—may be profitable. That it is just, no one will question who considers that these assaults, not argument but of language—of offensive language, upon the President, are not the result of hasty impulse, yielded to in the heat of debate, but of cool premeditation, prepared in the closet and recited in the Senate. In thus dealing with hard and bitter words and personal imputations towards the Chief Magistrate of the country in relation to the performance of his official duties, if the senator forgot the respect due to that high functionary as well as to himself, he should have recollected the respect due to the Senate, and, still more, to the country. “There is no exculpation for his having spoken of what he calls the President’s defences as “indirect,” “irrelevant,” “ill-tempered,” “sophistical,” and “evasive;” of the President’s “disingenuousness,” “distortion of the constitution,” “false and impertinent issue,” “ambitious imbecility,” “betrayal of his trust,” “obscure and unfair statement,” and for having made use of other harsh language, heard then with regret and surprise by almost all, and now recalled by me with pain.

“Believe the prophets of God,” said the King of Judah, when all the men of the kingdom, with their wives and their children, had taken refuge in Jerusalem, dismayed at the invasion of the Moabites. “Believe the prophets of God, so shall ye prosper.” And the senator from New York, more emphatic than impassioned, has read this portion of Jewish history, and pressed it into his service. “Senators of the free States,” said he, “I appeal to you: believe ye the prophets? I know ye do.” And what is the application of this oratorical apostrophe? I grieve at the lamentable descent—at the fall from the dignity of style and subject. “You know, then,” he continued, “that slavery neither works mines nor quarries;” nor do other deeds of utilitarian value, which he enumerates. To believe the prophets in the days of old was the safety of Israel: to believe the prophets in the days that are upon us is, the safety of mines, of quarries—and of abolition. We were warned, in the time of our Saviour, that false prophets should come to seduce “even the elect.” They are already upon us. May the God of our fathers and our own God incline the hearts of the American people to reject their evil counsels, and to hold on to our precious heritage of Union!

I consider the senator’s address upon that occasion one of the most extraordinary displays of legislative oratory it has ever been my fortune, good or bad, to listen to. How he ventured upon some of his statements, upon many of his assertions and conclusions—upon the personal imputations which abound in his speech, and upon a new edition of the higher law doctrine,

fully enunciated, but not amended, I confess my inability to comprehend. Instead of a full commentary upon this effusion, "this studied, partial, and prejudicial history," to borrow again from the senatorial vocabulary prepared for the President, I shall restrict myself to transferring from it to the Senate some of its most salient passages, leaving them, almost without remark, to tell their own story and the objects of their author, and to carry with them their own refutation.

The speech of the senator must be yet vivid in the recollection of the Senate. However intended, it came upon us with a kind of theatrical effect. Instead of being a grave and severe discussion, befitting the subject and the place, much of it took on the appearance of scenic representation; and we had an impeachment, in a "comedy of errors," rather than a dispassionate statesmanlike investigation. And in this contribution—whether to justice or party, let the majority decide—the honorable senator performed all the parts necessary to the success of the piece. First, the author; he then assumed the various and incongruous characters of prosecutor, of witness, of defendant, and of judge, with due gravity and dignity, "citing the President" to the bar of the Senate, conducting the trial, and pronouncing the condemnation.

If the failure has been a signal one, those who know the Senator will be sure to attribute it to the weakness of the cause, which could not be saved even by the acknowledged power of the advocate.

After giving his version of the troubles in Kansas, connected with the organization and proceedings of the legislature, and "an obscure and unfair statement it is"—this is another extract from the speech, and spoken of the President—the senator enters upon his principal object, the inculpation of the President, without fear and witho it reserve, as he says, but with the self-confidence of one who declares he is aware of the gravity of the charges—with the self-confidence, indeed, of the great Roman orator, when he arraigned the proconsular robber of Sicily before the Roman senate. He prefers what he calls his charges, which are made up of his version of the transactions transferred to the President. Here they are:

Armed bands from Missouri seized the polls, overpowered or drove away the inhabitants, usurped the elective franchise, deposited false and spurious ballots, procured official certificates by fraud, &c.

The legislature established a complete and effective foreign tyranny over the people of the Territory.

These high-handed transactions were for the express purpose of establishing African slavery in the Territory by force, &c.

Then come the application and the guilt.

The President has been an accessory to these political transactions, with full complicity in regard to the purpose for which they were committed.

He has adopted the usurpation, and made it his own, and is now maintaining it with the military arm of the republic.

And thus are the charges against the President prepared, and thus is he shown to be guilty.

A plain tale will put this down.

The President was officially informed that danger of resistance to the law was to be apprehended in Kansas; and in conformity with his duty he directed the military force in that Territory, when called on by the proper Territorial authority, to aid in the maintenance of the law. This is the head and front of his offence. And all the epithets, profusely employed on this occasion to describe the tyranny on one side and the abuse and oppression on the other, and to create a corresponding public reprobation and indignation, have reference to this single act—nothing more, nothing less. The matter lies within the narrowest compass, and may be summed up in two propositions:

First, the legislature of Kansas being organized, clothed with legal forms, recognised by the officer, to whom that duty was assigned by law, and in full operation, the President had no more right to interfere with that body than the legislature had to interfere with him.

Secondly, it was the legal duty of the President to direct the military force of the United States to aid in enforcing the law in Kansas, when properly informed there was danger of resistance.

So much for the sophism (another extract) of an accusation. And now for the sophism of a defence. The senator speaks and repeats of the President's defence—that is the word—as though a formal indictment had been found against him, and he had as formally defended himself against many charges.

On the 31st December, 1855, the President, in his annual message to Congress, made a brief allusion to the affairs of Kansas, and made some very just and opportune remarks on the political agitation arising out of the assaults upon the southern States; and on the 24th of January succeeding he communicated in another message a detailed statement of the origin, progress, and condition of the troubles in the Territory.

And these executive documents, laid before Congress and the nation in obedience to the requisition of the constitution, the senator designates as the President's defences, thus imposing on the unwary the impression of a real trial and defence instead of a rhetorical exhibition. And with such pertinacious gravity does he follow out his system of tactics that one of his first complaints against the President is that he did not wait till the accuser, the youngest born of the republic, he rather facetiously denominates Kansas—a State born before its birth—had appeared at the Capitol to prosecute him, but unfairly made his defences to Congress before the proper time. That is, when divested of all tropes, the President actually communicated to Congress and to his constituents, the American people, two messages, containing his views of the state of affairs in Kansas, and rendering an account of his stewardship, before the new candidate for admission into the Union had appeared here by bar "two chosen senators and one representative." Unheard of "tyranny," "usurpation," "oppression," "subjugation," "subversion," "disfranchisement," "mockery," and whatever other obnoxious epithets industry can collect or ingenuity can apply to excite approbation against the President for the "insolence" and guilt of communicating messages to Congress.

"The dangerous views" (another idea) taken by the senator of the powers and duties of the President, and in contempt of their feelings and rights, has given birth. A comprehend clearly enough his object, which is to excite political indignation; but I fail entirely to comprehend how he fixes upon the President, even to his own satisfaction, any neglect of duty, still less any charge of a determination to introduce slavery into Kansas; for that is distinctly asserted, and without the shadow of proof. There is one portion of his speech which is mythical—indeed, almost a myth—where, personating the specious people of the Territory—the word is this—he comes forward in a theatrical manner, stretching forth the wand of New York, and, holding in his hand the impeachment of George the Third by the Congress of 1776, impeaches, in the words of the Declaration of Independence, the President of the United States.

He then goes on to apply to the President the complaints made against the King of England, arranging eleven charges in formal succession, each with its charge of omission or of commission, in the very language of that important State paper, substituting Kansas for the colonies, and the Republican Chief Magistrate for the anointed Potentate, beginning:

- "He has refused to pass laws for the accommodation of the people," &c.
- "He has called together legislative bodies at a place unusual, uncomfortable," &c., "for the purpose of fatiguing them into compliance with his measures."
- "He has prevented legislative houses from being elected," &c., "because they would oppose, with manly firmness, his invasion on the rights of the people."
- "He has created a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance," &c.
- "He has kept among us in time of peace standing armies," &c., "to compel our submission to a foreign legislature," &c.

And so on to the end of the chapter of colonial grievances against Great Britain. Really, Mr. President, I can hardly treat this subject with the decorum due to our position and functions. Has the Senator from New York formed so poor an estimate of the intelligence of his associates here, or of his countrymen anywhere, as to suppose that one man can be found who believes that the President of the United States possesses the same powers in our Territories as the sovereign of England possesses in her colonies?—for here they are in the eye of the law. With the exception of the appointment of some five or six officers, and the authority to remove them, the President has as little legal power in the Territories as the Senator from New York, unless, indeed, there is violent opposition to the laws; when, if he is legally informed of the danger, he must use the force the law places at his disposal to preserve and restore public order and tranquillity. And yet an American Senator dares, in his place, to say that "Kansas is to-day in the very net of revolution against the tyranny of the President of the United States;" thus identifying the constitutional action of the Executive with that tyranny which gave birth to the American Revolution. And after this startling proposition the Senator indulges in some rather incomprehensible reflections on "the profound philosophy of revolutions," the value of which escapes my penetration. And the profundity of this ethical sentiment is illustrated by the discovery that "the President is assumed, by the people of Kansas, to entertain a resentment which can never be appeased, and his power must, consequently, be wholly taken away;" that is, the Kansas public, or a portion of them, believe the President is displeased with them, and therefore they must have a revolution—and therefore "they have constituted themselves a State," &c. I come here asking admission into the Union. And all this is "the profound philosophy of revolution."

The Senator is quite didactic in his speech, and passes happily and readily from one topic to another—from the philosophy of revolution to the philosophy of propagandism; and condemns the President for censuring the "propagandist attempt to colonize the Territory with opponents of slavery." The President censures, and justly, the external interference in the affairs of Kansas, by which efforts were made, in various States, to propagate "their social theories" in that Territory. And this is reproved by the Senator as launching severe denunciations against what he says the President calls "propagandist attempts." And then follows a eulogy upon that "great element of civilization which has peopled the western continent;" as though the adventurers who fled from civil and religious tyranny, and sought refuge here, came not to enjoy their opinions, but to disseminate them, and to live the lives of missionaries; and still more, as though the pious men who devote themselves to preaching the Gospel of Jesus, are but co-laborers with the political partisan who stays at home and stimulates others to carry agitation abroad, and to propagate secular opinions dangerous to the peace and tranquillity of another community.

There is a school of social, or rather anti-social, propagandism; composed of zealous and active disciples, followers of Proudhon, who maintain that property is robbery. They have faithful conductors in this country, whose industrial congress, as it was called, in laying down their creed, resolved, among other things, "That, by the land reform, we understand the entire abolition and annulment of all property value or ownership in the soil," &c.

I do not accuse the Senator of participating in these sentiments. He has powerful motives, from his success in life, for abjuring them; but I recollect that in a speech he made not long since in the city of New York, when he commenced by railing at the city, as he commenced here by saluting the Senate—a fashion of salutatory introduction, precluding one's self or one's topic, more honored by the breach than by the observance—he supported views which, it appears to me, originate in the same kind of obliquity of moral vision, or in something not as pardonable. He announced that there was an aristocracy in this country; that aristocracies are created by privileged classes; that slaveholders constitute one of these classes. And why this attempt to excite popular indignation against a portion of our fellow-citizens by conferring upon them an obnoxious designation? The slaveholder owns slaves because the law permits it. Conscience and sound policy, said the Senator, prohibit it. The landholder owns land as he is allowed to do by law. Proudhon and his school say that conscience and sound policy prohibit it, for it is robbery.

Here is the same principle, differing only in its specific application. All who come within it are equally aristocrats. A privileged class is created by the Senator from New York, and is made a kind of raw-head and bloody-bones because it holds one species of property. But there are neither peculiar privileges nor exclusive rights attached to its tenure; for every man in a slave State may by law, without distinction, possess it. And why does not the denunciation equally apply to the holders of every species of property—to the holders of real estate, of money, of stock, of manufacturing establishments, which concentrate and control labor, and to every other article which constitutes the wealth of society, and the object and the reward of laudable industry? And enterprise? It is easy to raise prejudices upon this subject. It is easy to conceive their operation upon the human mind, and how the man who has a coat is considered an aristocrat by him who has none. It is an old story in human experience, as the Senator knows, for he has studied the history of Rome, and referred us to the conduct of her tribunes. The office does not exist in this country; but one of the abuses which made it memorable—that of pandering to popular prejudices—is among us carefully cherished and often faithfully practised.

Now, sir, according to the Senator, he who goes abroad to teach "his social and political theories," is a missionary of propagandism, and his character is not changed by the nature of his doctrine; and he who censures his ill-timed zeal or wicked purpose casts reproach upon never prince, king, emperor, or president, that reproach before: The dissemination of the Gospel of Jesus Christ is brought down to the level of these political agitators. "The only common element of all these forms was propagandism." He exemplifies these

by the various settlements in this country, attributing some to a zeal for religion, others to a zeal for liberty, and others to a zeal for free labor. The injunction of the risen Saviour, "Go ye forth, therefore, and preach the Gospel to all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost," is defied by such an association. And I can discover no other motive for this desecration, but a desire to represent the President as condemning a great principle of human action. The Senator's test of the right to teach and preach anything is shown by the inquiry, "Does any law of nature or nations forbid?" The great law in the everlasting code of the Gospel, of doing as you would be done by, forbids every American from such propagandist interference with the internal affairs of another State or Territory as will tend to raise agitation, or to endanger the public peace and tranquillity. Leave to others the liberty you claim for yourself—the liberty to conduct their own affairs in their own way—and there will be no need of the perversion of the true principles of propagandism to justify unjustifiable acts.

In the pleasant town where the Senator resides is a dishonorable home provided by retributive justice for unfortunate outcasts, whose crimes, if not explained, are justly punished there. I doubt not but that many a man has gone there, and will yet be followed by many another, victims of false and dangerous theories, who have been taught that there are aristocrats in the land—privileged classes; that property is robbery, and that what God made for all, the few have no right to appropriate to themselves; and that he who wants may justly take his share, wherever he finds it, of which another has unjustly deprived him. The Senator from New York has not yet reached the full measure of his faith, though his denunciations against one kind of property necessarily lead to the whole doctrine. A little spark kindleth a great fire. It is dangerous to tamper with human passions. Better is it to instruct than to stimulate them. And the Senator, by devoting his acknowledged talents to this work and withdrawing from his present field of excitement, will acquire more permanent fame than ever followed political agitation.

When the senator proceeds to establish, as he says, the truth of his conclusions, he gives us an inkling of the philosophy of evidence, asking what kind he must bring forward to support the impeachment, and finally falls back upon what he dignifies as presumptive proofs. And presumptuous, indeed, it is to endeavor to fortify such grave charges by idle—I might say, following his example, "imminent"—suggestions, at once to rebuke in themselves and to remote in their application. There are no less than thirty of these barren suggestions, spread out in formidable array, and they constitute about as curious an exhibition of judicial "distortion" as the whole history of evidence affords. I shall stop neither to recapitulate nor to dissect them, limiting myself to gathering a few from the abundant harvest-field, but sample enough to establish the true character of the whole crop.

He begins by observing that such presumptive evidence is derived from the nature and character of the President's defenses, again intimating that the President had actually come forward to defend himself from the senator's accusations. And then follow the thirty interrogatories, or, in other words, the thirty proofs. Here they are, or rather specimens of them:

"Why did the President plead at all on the 31st of December last, when the new State of Kansas was yet unrecognized, and could not appear here to prefer her accusations until the 23d of March?"

Invented of mysticism, this means, as I have before said, why did the President presume to communicate to Congress the state of affairs in Kansas? I have too much respect for the Senate to do more than to let the senator ask this question—and such a question. Again:

"Why, if he must answer so prematurely, did he not plead a general and direct denial?"

Say guilty or not guilty in his message. This rather smells of the shop. It is too technical.

"Why did he interpose the false and impertinent issue whether one State could intervene by its laws or by force to abolish slavery in another State?"

To borrow an expression from the senator, this certainly "clinches conviction."

"Why did he arraign so unnecessarily and so unjustly, not one, but all of the original States?"

"Why did he drag into this case, where only Kansas is concerned, a studied, partial, and prejudicial history of the past enlargements of the national domain?"

"Why did he submit a second plea in advance?"

Translated—"Why did he render an account to Congress of the state of matters in Kansas?"

"Why did he 'denounce Massachusetts?' Another 'misrepresentation.' This denunciation was the expression of regret as to the course of some of the northern States and their citizens.

On what evidence does he say that there were 'mutual complaints,' &c., in Kansas, as though it were not a fact universally known? Why does he argue that Governor Reeder alone had power to receive and consider the returns of elections, &c., 'when he knows that the governor, being his own agent,' &c. A less profound statesman would say that officer was the agent of the law.

"Why was Governor Reeder replaced by Mr. Shannon, who immediately proclaimed" the legislature illegal, &c.?

"The President virtually confesses" his guilt, by presenting a system of maxims and principles invented to justify him.

There are yet other exhibitions attending this rare process, and resulting from the peculiar views of the senator, or from the sextuple capacity of accuser, prosecutor, witness, defendant, jury, and judge, in which he presents himself, that are not unworthy of passing notice.

Because the President enforces the laws of the United States in Kansas, by that act "he adopts the usurpation and makes it his own."

Kansas has thus been revolutionized, (by being prevented from making a revolution,) and "is prostrated at the foot of the President."

Because the President says, in his annual message to Congress, that if there should be obstructions to the federal law, or organized resistance to the Territorial law in Kansas, assuming the character of insurrection, it would be his duty to suppress it, therefore, "he menaces the people of Kansas with a threat that he will overcome and suppress them." This is no menace; it is only a warning to the law-breaker, whoever he may be.

"The President's mind was oppressed; was full of something too large and burdensome to be concealed, and yet critical to be told," and, therefore, he told it to Congress and to the country.

Now, "he most reprehensible passages in the whole speech of the senator is that where he draws a parallel between Christianity and abolition, and depicting for the latter the miraculous progress which proves the divinity of the former. 'Abolition,' he says, 'is a slow but irresistible uprising of principles of natural justice and humanity,' &c. 'I may, however, remind slaveholders that there is a time when oppression and persecution cease to be effectual against such movements.' &c. 'Christianity, blindly misapplied during three centuries, by popes, governors, senators, counsellors, and emperors, toward above its enemies in a fourth, and even the cross on which its founder had expired, and which, therefore, was the emblem of its shame, became the sign under which it went forth evermore thereafter, conquering and to conquer. Abolition is yet in its prime career.' To which I add, may it be its last—the last of external interference in the domestic concerns of other communities.

The whole may read that the purpose of all this irreverence is to elevate this fanatical and political firebrand to an equality with the Gospel of Jesus Christ.

and the President would have been the result of the judgment of the House of Representatives of the United States.

10 "To suppose the President can or has legal power bestowed by him to enquire into the validity of the election  
11 of a President, therefore it is 'ambitious insolently.' What condition of the human mind is described by this  
12 word? Have to the seat of ambitious rhetoric to explain.

[illegible]

"The Congress of the United States can refuse admission to Kansas only on the ground that it will not maintain the ban of carrying Afr. com. slavery into that new Territory."

"I shall not offer bold assertions, Sir, but that is all I claim to concurance." I shall vote to refuse admission to Kansas, at the same time, I hope that neither African slavery, nor any other kind of slavery, will be established there; and I believe, if the senator and his political friends, will cease their agitation, that Kansas will eventually be a free State. At the same time, whether slavery is to be established there or not, my course will be the same. I shall maintain the principle which leaves that question to the people, and I shall resist, with equal decision, anything that the question may be determined by them; undisturbed by any external interference, whether from Missouri or Massachusetts.

But I will have not time to follow the Senator in his "extraordinary inconsistency." Another phrase coined by him for the President. I must hasten on, and leave that task to those who consider it a useful one. "The Kansas Legislature, under its charter of 1861, firm, was as independent of the Executive as the Executive was of that body." The only case which admitted legal interference was the case that occurred when, there being danger of opposition to the law, and that danger having been duly made known, the President resorted to a call for men for the preservation of the public peace. For that act of wise precaution he is entitled to the commendation of the country. It has probably prevented a civil war among the people themselves, and perhaps an insurrection against the United States. After the organization of the Kansas Legislature there were two bodies of proceedings open to all those who considered themselves aggrieved. One was to refer to the State Board of Agriculture, and the other to appeal to Congress. Neither measure was adopted. In the mean time the Legislature went on with its work of law-making; and its labors have been exposed to severe criticism, as well as to severe censure, whether justly or not does not affect the inquiry we are engaged in, which turns upon the power of the Legislature, and not upon the wisdom or the folly of their exercise. Though I am (as I am) conscious that, while the great body of the code they enacted is marked with wise and salutary provisions, and may favorably compare with the legal systems of our older States, of course created, and prohibitions and penalties provided, are reconcilable with the first principles of human freedom, and revolving to American feelings, nevertheless, to examine this whole subject dispassionately, I determined also to express my opinion frankly, and to commend or approve, as justice should seem to me to require, and in this condemnation I am now re-examining I am acting in that spirit. I am not to be led—misled rather—by opinions like those we have heard putting constructions on these laws inconsistent with their plain import, and declared when public opinion was pronounced them to be so. Those entertaining such opinions speak for themselves; but I only use the terms employed by the Legislature, and judge for myself. They are unequivocal, and the proceeding is a remedy to American jurisprudence.

Regarding the two legal remedies within their power, the citizens of Kansas opposed to the action of the Legislature introduced a resolution. This is what the senator from New York calls the movement, while he approves it, and thus what it would have been if carried into operation. A convention was elected, and working commenced, and it as quickly formed a constitution, making provision for its operation, without the action of Congress, as soon as approved by a popular vote. This vote it received; and if wiser counsels really prevailed, and the constitution was not forcibly carried into operation during the existence of the Government instituted by Congress, and a collision thus avoided, the result formed no part of the original plan. That constitution is now before us.

"And why this precipitate act of revolution, which, if consummated, would have brought those participating in it into direct collision with the government of the United States? Why not ask Congress for a redress of the wrongs needing cure, if so enacted by itself? No man can doubt the power of Congress to watch the operation of its own laws, and to provide all necessary remedies for their mal-administration. Nor ought any man to doubt that if this whole matter had been properly presented by petition from the people at the commencement of the session, there would have been an impartial and rigid inquiry, followed by such measures, as justice might have required. Instead of that course, we are now asked to give our sanction to these revolutionary proceedings by confirming them, and thereby to establish a principle incompatible with the responsibility in the Territories, and holding out a recurrence for future resistance."

Mr. Hays, Jr.: This application will not receive my vote. I will agree to set no such example. The immediate effect would be to render operative the constitution for Kansas, the work of but one portion of a people divided by internal dissensions; being a portion serving itself against the law, instead of appealing for redress to the law, internal of the nation, competent to administer it. The course proposed by the Committee on the Territories is free from objection, and I shall vote for it. It is to submit to the whole people, and by legal ratification, the question of the institution of their own government, and not subject one portion to the rule of another, thus perpetrating divisions, which it is the interest of the country to minimize as soon as possible. Measured by the past, I think we should provide for the future by adequate remedies in the organic laws against all external interference in the affairs of the Territories, and especially against the entrance of armed troops, or parties to control, or to influence the elections; and I submit for consideration, whether some provision of that nature is not now required at our hands; whether it would not be a just measure in itself, and a greater tribute to the purity of elections—a great conservative principle, dear to every right-minded American. . . . It is as basic as more armed invasion from without, but its direction within.

[illegible]

# DEMOCRACY NATIONAL AND NOT SECTIONAL.

## SPEECH

OF

HON. THOMAS J. D. FULLER, OF MAINE,

DELIVERED IN THE HOUSE OF REPRESENTATIVES, AUGUST 28, 1856,

*In Vindication of the Democratic Party from the charge of Sectionalism, made by his Colleagues, and Defending its action upon the Disagreement of the two Houses of Congress upon the Army Appropriation Bill.*

Mr. FULLER, of Maine, said:

Mr. SPEAKER: Having been unable to obtain the floor, until this late day—though I have diligently and perseveringly sought it for weeks—I avail myself, by the courtesy of the House, of this first occasion to express my sentiments upon questions which have been much discussed during the recent long session of Congress. In doing so, however, I am constrained to overcome a strong natural repugnance to making a political speech in a legislative assembly like the House of Representatives of the United States.

I assure you, sir, that this sentiment has rather been strengthened than weakened by a legislative experience of seven years in this body. For weeks and months I have been compelled to listen to the most inflammatory partisan harangues, better suited to the theater of the political hustings than to the statesmanlike deliberations of an American Congress—harangues, apparently designed to inflame the passions and to excite the prejudices of one section of our common country against another section, and to create the settled conviction in the public mind that the true interests and the political welfare of the free and the slave States of this great Republic are antagonistical to each other; and, what is worse and far more mischievous and dangerous in its practical effect, to inculcate the idea in the northern mind, that the slaveholding States are inspired with a haughty and arrogant disposition to rule by imperious sway their political brethren of the free States—that the free States having the majority of numbers, ought rightfully, and regardless of constitutional restrictions and obligations, to impose their own notions of moral and political right upon their brethren of the slave States—that northern Democrats, who do not enlist in this crusade against the slave States, “are base trucklers,” “dirt-eaters,” “contemptible dough-faces,” and similar terms of contumely and reproach. Upon northern Democrats, in an especial manner, are concentrated the most intensified political spleen and vituperation of the Black Republicans. What is this for? Why, to render

unpopular, obnoxious, and odious, every man who exerts an influence or stands in the way of these immaculate Republicans in gaining their desired political ascendancy in this Government. They seem bent on overthrowing the last barrier in the way of forming a sectional party, which must weaken, if not fatally disrupt, the ties that bind us together as one people.

Among the foremost of that party, I regret to find a member from my own State—the gentleman from the Oxford district—as is shown by the speeches delivered by him at the late session. What good or useful purposes will such speeches serve? Is it desirable that the free and slave States of this Republic should separate, and proceed to form two distinct and separate Confederacies? If so, why not boldly and manfully avow the purpose to be attained, and proceed at once to the accomplishment of the desired object? Why seek, indirectly, to accomplish a purpose which may be come at directly? But, if not, is it wise, discreet, or commendable, to pursue a course of policy which, inevitably, and according to well known experience, tends most unerringly to this end?

If one will but read the Farewell Address of the Father of his Country, and then, animated with the spirit and temper which the patriotic sentiments of that address shall inspire in his bosom, sit down and peruse the speech of my colleague, he will fully appreciate the force of the idea I wish to express. In my judgment, the true patriot, in this hour of sectional hatred and political strife, can do his country no greater service than by exerting his influence to ameliorate and soften down the sectional feeling already engendered to such a fearful and alarming extent, even if it be at the expense of having heaped upon his head those opprobrious epithets, calculated and designed to bring him into disrepute among his fellow-citizens. Madness will not always rule the hour; for I believe that this sectional hatred has been fomented, excited, and intensified, for no other purpose than to further the aims and wishes of partisan aggrandizement.

Hitherto the opinion has been considered as a speculative one, whether this Government contained within itself sufficient strength and adhesion to withstand successfully, the shock of a sectional political controversy based upon the slavery question. The issue is now made! The fearful question is upon us! The experiment is to be tested, however much prudent men have sought to avoid it. Washington and his compatriots, who conducted the colonies triumphantly through the American Revolution, and afterwards completed that greater labor of forming a constitutional model Republic (wherein all the States were blended into one for national purposes) were familiar with the history of the rise and fall of civil Government. They were undoubtedly stimulated to incur the responsibilities attendant upon so great an undertaking by the renown which would follow their success. They seem to have fully appreciated this idea. The student of American history cannot fail to notice, in the writings of the patriots of the Revolution, that they were laboring more for the benefit of their posterity than for the generation of their own time. Hence their solicitude to give durability to the mighty superstructure which, in their bright visions of the future, they saw was to arise upon the foundations laid by them at so great personal sacrifices, well knowing that their own fame would be commensurate with the magnitude and duration of the Republic. For this purpose, Washington pointed out, with prophetic foresight, the causes (as we now see) which seemed most likely to be the means of overturning the Republic, and, by timely admonition, to avert so great a calamity. In his Farewell Address he says:

"In contemplating the causes which may disturb our Union, it occurs, as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern, Southern, Atlantic, and Western!—[Mark the words!]—"whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients to acquire influence within particular districts is to misrepresent the opinions and views of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affections."

No passage of Holy Writ is more prophetic than is this advice of Washington to his countrymen. He must have been inspired with a prophet's vision when he uttered those words. And to-day, scarce sixty years since the language was penned, through fanaticism and sectional hatred, regardless of his warning voice, this Republic is tottering to its fall.

For the purpose of turning the attention of the citizens of my own State to their own true and peculiar interests, I invite their attention to another extract from the same address; for I deem it not irreverent to say, that Washington's Farewell Address should be to the citizen in his political relations, what the Sermon on the Mount is to the life of the Christian:

"The North, in an unrestrained intercourse with the South, protected by equal laws of a common Government, finds in the productions of the latter great additional resources of a maritime and commercial enterprise, and perceives materials of manufacturing industry. The South, in the same intercourse, benefited by the agency of the North, sees its agriculture grow, and its commerce expand; turning partly into its channels the seamen of the North, it finds its particular navigation invigorated; and while it contrib-

utes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted."

But our opponents, the Republicans, conscious of the fast and strong hold these sentiments have upon the popular mind of the North, seek to weaken their influence by affirming that they are not a sectional party! For they know that no party, sectional in its principles and organization, can expect to succeed. The popular mind will not be satisfied with any political organization which does not embrace, within its ample folds, the whole country. Hence their solicitude to avoid the odium which most assuredly will attach to such an organization. As evidence to this assertion, I append the subjoined extract from the revised speech of the member from the Oxford district, as published in the Appendix to the Congressional Globe:

"As I announced in the commencement of these remarks, I shall now attempt to show that the Republican party is a national party; that it stands upon a platform of principles eminently national; and that no national man, North or South, East or West, can, with any show of consistency, refuse to stand upon it.

"The Democratic platform is sectional in all its parts; and to call it a 'national' platform is a libel upon the common sense of every man who reads it.

"With all these facts glaring in the face, the members of the so-called Democratic party, the supporters of the present national Administration, have the unblushing impudence to stand up, and say to those of us who have, on the stump and at the ballot-box, through good report and evil report, supported Jackson, and Van Buren, and Polk, and Pierce, (until he forsook his friends and abandoned his platform,) and have clung to the Democratic party like the mariner to the wreck, until there was not a single plank of its good old platform left to save us from perdition, that we have left the Democratic party—that we have changed and gone over to Abolitionism—when they know, and we know, and the whole world knows, that they are the men that have changed—they are the deserters, that they have gone off and offered sacrifices to strange gods, while we are defending the sacramental altars and consecrated fires of the 'God of our fathers.' While we are, in good faith, maintaining and defending the doctrines of Jefferson and the Democratic party, they are bowing down and worshipping the Dagon god of African slavery."

I take issue with the allegations in the above extract. I aver that the Democratic party of to-day stands where it ever has stood—is national in its sentiments, and in its organization, and occupies no new ground upon the slavery question.

I do not stop there—I go further. I allege and will show, beyond cavil or doubt, that the so-called Republican party is a sectional party in its principles—is identical with the Abolition party, and occupies the same ground which that party did in the presidential elections of 1848 and 1852.

Now, what are the opinions and sentiments of the Republican party of Maine (for of this portion of the party I intend to speak) upon the great slavery questions, and, as they say, the all-absorbing questions of the day? To prove what they are, I will not rely upon the isolated opinions of this or that man, but will adduce the highest and most conclusive evidence which the case affords, and it is ample, to wit: the repeated resolutions of their organization, put forth in a legislative as well as in conventional form. The first is the resolutions of instruction from the Republican Legislature of Maine, approved March 17, 1855, instructing the Senators, and requesting the Representatives, to vote on the several prop-

sitions therein named, and are in the following language:

"Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all practicable means to secure the passage of the following enactments: "First, An act repealing all laws of the United States authorizing slavery in the District of Columbia.

"Second, An act repealing the statute of 1859, known as the fugitive slave law.

"Third, An act forever prohibiting slavery or involuntary servitude, except for crime, within the Territories of the United States.

"Resolved further, That our Senators in Congress be instructed, and our Representatives requested, at all times hereafter, most strenuously to oppose in every justifiable way the admission of any new State into the Union, except upon the condition to be embraced in the act of admission, that slavery or involuntary servitude, excepting that for crime, of which the accused shall have been duly proved guilty, shall be forever prohibited therein.

"Resolved, That the Governor be requested to forward a copy of these resolves to each of our Senators and Representatives in Congress, and to the Governors of each State, with a request that the resolves be laid before the Legislature thereof."

Did the Abolition or Garrison party ever make greater demands than do these resolutions?

Second. The call for a grand rally of the Republicans of Maine, in mass convention at Portland, on the 14th of August, 1855, signed by the Republican State committee, with the list of speakers expected to be present, and the resolutions adopted, with extracts from the speeches made by the gentlemen invited to speak, and published immediately in the Republican papers, and distributed very generally throughout the State.

#### REPUBLICANS OF MAINE!

A grand rally of the people opposed to the National Administration, and to the extension of slavery over the Territories of the United States.

The citizens of the State, who desire to help rescue this Republic from its perils and downward tendencies, are requested to meet in mass convention at Deering Hall, Portland, on Tuesday, August 14, to take counsel, and determine on such a course of action as the love of freedom and sound patriotism demand. The slave power in this nation has so strengthened itself by the forbearance and remissness of the North and West, and the treachery of some of their Representatives, that it is no longer a question whether Africans and their descendants shall be enslaved, but whether the people of the free States shall be the humble servants of the slavholding oligarchy? It is not a sectional issue between the North and the South; but the question pressing on us is, whether Democracy or aristocracy shall rule the nation? To day the Government of this mighty Republic is in the hands of a class, and not of the people. The years through which we are now passing are to determine whether the free States are to be subdued provinces, with a mere outside or secondary influence in the councils of the nation, or equality, good faith, and sound republicanism shall prevail among the States of this Union. Is the law of freedom, or the iron rule of slavery, to be regarded as national? Let the freemen of Maine answer, as the crisis demands. The Government must be restored to the principles and policy of its founders, or this Union cannot permanently endure. The immense territories of the West must be saved from the black tide of slavery that threatens to sweep over them. Kansas betrayed, outraged, overrun by armed ruffians, speaks to us with a tongue of flame. The people of Maine will prove true to her lustiness of justice and freedom, and to her former renown.

Let the assemblage of August 14, in numbers and determination, be such as the occasion demands. Eminent speakers of our own and from abroad will address the convention. The following gentlemen are engaged, and confidently expected to be present on the occasion:

Maine.—William Pitt Fessenden, Anson P. Morrill, Amos Nourse, Samuel Mayall, Israel Washburn, Edward Kent, Samuel P. Benson, Freeman H. Morse, and John J. Perry.

New Hampshire.—John P. Hale, James Bell, and Daniel T. Clark.

Connecticut.—Ex-Governor Cleveland and Truman Smith.

New York.—B. F. Butler and John A. Dix.

Edward Fenno, Charles J. Gilman, Hiram Hubbard, James M. Deering, Philander Coburn, Alonzo Garcelon, Franklin Clark, Abner H. Halliwell, N. G. Hichborn, George Downes, J. S. Munroe, John E. Morrison, John Bridges, Lemuel Trott, and Washington Long, Republican State Committee.

June 20, 1855.

Third. Resolutions adopted at the same meeting with "thundering unanimity:"

"We, the people of Maine, members of the Republican party, assembled in State convention, believing the question of human freedom to be paramount to all other political questions now agitating our country; hereby declare the principles which have brought us together, and for which we will contend until they shall be adopted as a controlling element in the administration of our national Government.

"1. That the Constitution of the United States was designed by the people who adopted it to be a law of impartial government.

"2. That by the Constitution, Congress is made the special guardian of the liberties of the people inhabiting the District of Columbia and the Territories of the United States; and until it shall abolish slavery in the former, and forever prohibit it in the latter, it remains false to the solemn trust committed to its charge.

"3. That the Constitution, while it prohibits the several States from enacting any 'law or regulation' discharging fugitives from service or labor from their obligations, confers no power whatever upon Congress to legislate on this subject. The act of 1850, called the fugitive slave law, is therefore, not only inhuman, but unconstitutional in its provisions, and should be immediately and unconditionally repealed.

"4. That it is the right and the duty of Congress, in all acts for the admission of new States into the Union, to prohibit forever the introduction of slavery therein."

Extracts from the speech of Mr. WADE, of Ohio, the present Senator from that State:

"I know very well that you have among you, as we have among us at the West, a few men who think they can reorganize the old Whig party. Now, sir, I can speak very freely of that party, because I belong to it. I followed that party, with an unwavering fidelity, for twenty-five years; but I say now that that organization is not only dead, but it already stinketh; and they who expect to resurrect it expect a miracle greater than that that was wrought at the tomb of Lazarus. [Renewed applause.] I was present when it died. It died the death of a felon; and I stand here to-day to pronounce it dead—dead—dead! It died by the perfidy of its own members—thus committing a kind of political suicide.

"I am not going to speak about your Nebraska bill, for I have already told you that the North is completely prostrate by this curse of slavery. There is no union now between us and the South. The pretended Union now existing is all meretricious—the heart does not participate in it; and I believe, from all that I have seen, and I am one of those who dare speak what I believe—I believe that there are no two nations on earth—not even the Russians and the English at this day—who at heart feel more enmity towards each other than the men of the North and the South."

Extracts from the speech of Hon. ISRAEL WASHBURN, Jr., from Maine:

"I regard our action this year as being of as much importance as it was last year, and more important, perhaps, than it will be next year; for on what we do in 1855 depends, in a great measure, what we will do in 1856; and not only so, but it depends in a great degree on what Maine may do this year, as to what will be done in other States to 1853. As we put the ball in motion, so it will go on rolling to the end. Let Maine triumph nobly this year, as she will, [very great applause:] let her elect Morrill as her Governor by ten thousand majority, as she will, [renewed applause:] let her do that—let the word be sent to Ohio; and let Ohio respond with her one hundred thousand majority for Chase; let Indiana and Wisconsin respond with similar music; and then let the influence of these triumphs return to the Empire State and the Old Bay State in November; let the North be swept now, and we may be sure that, in 1856, a northern Republican President will be elected; and that is a result which will be in no small measure influenced by this meeting in Portland to-day, and by the vote of Maine on the 10th of September next. That done, the State Legislatures will be changed, so that, during the first Congress of the next Presidency, we shall have all the branches of the Government, and will thus be enabled to make slavery sectional and freedom national as it should be. [Applause.]

But let us break down now; let Wells be elected or Morrill defeated—no matter how—and what will you hear? Why, it will go abroad swifter than if on the wings of the wind, that Maine is backing down; that Maine is sustaining the Pierce administration; that the Democracy of slavery is triumphant; that the Representatives of Maine have been rebuked; and that Moses McDonald has been sustained. That will be the word, and you all know it."

How unfortunate for the gentleman, in that instance, did his predictions prove? It was almost cruel in the people of Maine to throw a wet blanket over the high hopes and bright visions of the future, as they so beautifully glittered in the gentleman's imagination. Now, have the Republicans of Maine ever repudiated these sentiments? Do they not hold to them to-day? Who will say that they are not now the sentiments of that party? Every body knows that the above resolutions, and those sentiments, constitute the platform of the Republican party of Maine at this moment. Now, compare this platform with the Abolition platform of 1848, as established at the Buffalo convention, which nominated Van Buren, and the platform established at the Pittsburg convention, August 12, 1852, which nominated John P. Hale for its candidate.

In 1852, three conventions were held for the purpose of nominating presidential candidates for the three parties. I quote from the platform of each party, with the names of their respective candidates, and the number of votes, by States, which each candidate received. It will afford information of a useful character, in determining this question of political consistency, and show who it is that has taken a new position in 1856 on the slavery question.

The Democratic Convention at Baltimore (June, 1852), nominated General Pierce, upon the following platform touching the slavery question:

"9. That Congress has no power, under the Constitution, to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the Abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most dangerous and alarming consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and therefore the Democratic party of the Union, standing on this national platform, will abide by, and adhere to, a faithful execution of the acts known as the compromise measures, settled by the last Congress, and the act for reclaiming fugitives from service or labor included, which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, or so changed as to impair or destroy its efficiency."

The Whig Convention at Baltimore, of the same year, nominated General Scott, upon the following platform touching the slavery question:

"8. Resolved, That the series of acts of the Thirty-First Congress, commonly known as the compromise or adjustment, (the act for the recovery of fugitives from labor included,) are received and acquiesced in, by the Whigs of the United States, as a final settlement in principle and substance of the subjects to which they relate; and so far as these acts are concerned, we will maintain them and insist on their strict enforcement until time and experience shall demonstrate the necessity of further legislation, to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other, not impairing their present efficiency to carry out the requirements of the Constitution. And we deprecate all further agitation of the questions thus settled as dangerous to our peace, and will discountenance all efforts to continue or renew such agitation, whenever, wherever, or however made; and we will main-

tain this settlement as essential to the nationality of the Whig party and the integrity of the Union."

The third party, being the Abolition party proper, under the name of Free Democracy, in convention at Pittsburg, on the 8th of August, 1852, nominated John P. Hale, upon the following platform touching the slavery question:

"5. That to the persevering and importunate demands of the slave power for more slave States, more slave territory, and the nationalization of slavery, our distinct and final answer is, no more slave States—no slave territory—no nationalization of slavery, and no national legislation for the extradition of slaves. That the fugitive slave act of 1850 is repugnant to the Constitution—to the principles of the American law—to the spirit of Christianity, and to the sentiments of the civilized world. We therefore deny its binding force upon the American people, and demand its immediate and total repeal.

"That the acts of Congress, known as the compromise measures of 1850, by making the admission of a sovereign State contingent upon the adoption of other measures, demanded by the special interests of slavery; by their omission to guaranty freedom in free territory; by their attempt to impose unconstitutional limitations on the power of Congress and the people to admit new States; by their provisions for the assumption of five millions of the State debt of Texas, and for the payment of five millions more, and the cession of a large territory to the same State, under menace, as an inducement to the relinquishment of a groundless claim; and by their invasion of the sovereignty of the States and the liberties of the people, through the enactment of an unjust, oppressive, and unconstitutional fugitive slave law, are proved to be inconsistent with all the principles and maxims of Democracy, and wholly inadequate to the settlement of the questions of which they are claimed to be an adjustment.

"20. That the Free Democratic party is not organized to aid either the Whig or Democratic wing of the great slave compromise party of the nation, but to defeat them both; and that, repudiating and renouncing both, as hopelessly corrupt and unworthy of confidence, the purpose of the Free Democracy is, to take possession of the Federal Government, and administer it for the better protection of the rights and interests of the whole people.

"That we inscribe on our banner free soil, free speech, free labor, and free men, and under it will fight on and fight ever, until a triumphant victory shall reward our exertions."

This Abolition platform embraces distinctly the five propositions contained in the Republican platform of Maine. Upon these three platforms, in November, 1852, the popular verdict was rendered, by States, as follows:

	Pierce.	Scott.	Hale.
Maine .....	41,609	32,543	8,030
New Hampshire .....	29,997	16,147	6,695
Vermont .....	13,044	23,173	8,621
Massachusetts .....	46,830	56,062	29,998
Rhode Island .....	8,735	7,626	644
Connecticut .....	33,249	30,359	3,160
New York .....	262,083	224,882	25,329
New Jersey .....	44,305	33,565	380
Pennsylvania .....	198,568	179,132	8,534
Ohio .....	169,220	152,526	31,683
Indiana .....	95,299	89,901	6,934
Michigan .....	41,842	33,860	7,237
Illinois .....	80,597	64,934	9,956
Wisconsin .....	72,413	37,132	-
Iowa .....	17,762	15,855	1,606
California .....	39,665	34,871	100
Delaware .....	6,318	6,293	64
Maryland .....	40,023	35,077	54
Virginia .....	72,413	57,132	59
North Carolina .....	39,744	39,058	-
South Carolina .....	-	-	-
(Electors chosen by the Legislature.)			
Georgia .....	34,705	16,660	-
Florida .....	4,318	2,875	-
Alabama .....	26,881	15,038	-
Mississippi .....	26,876	17,548	-
Louisiana .....	18,647	17,255	-
Texas .....	13,552	4,995	-
Arkansas .....	13,173	7,404	-
Tennessee .....	57,018	58,898	-
Kentucky .....	53,806	57,088	-
Missouri .....	38,353	29,994	-
	1,640,262	1,422,954	149,311

The Democratic and Whig parties of 1852 were national. Their platforms upon the slavery question were substantially the same. An inspection of the votes shows that many of the States were quite nearly divided between those two national parties. And what was the result? Over three millions of votes, against one hundred and forty-nine thousand sectional votes.

In that contest, section was not arrayed against section—we heard then no charges between the two great parties of “*northern truckling*,” or “*southern arrogance*.” It was a square-out, stand-up contest, in which the Democratic party prevailed.

Were those who acted with either of the great parties of that year, sincere and honest in their support of their respective platforms? If not, were they hypocritical, and barely yielded support to the candidates, regardless of the platforms?

It is admitted by many, that Mr. Buchanan is an experienced and worthy statesman, but that the platform upon which he is placed is objectionable, and therefore he cannot receive their support. How can any honest Democrats, or honest Whigs, who sincerely supported their respective candidates, and the platforms upon which they stood in 1852, now support the Republican nomination, upon the Abolition platform of 1852? My pity is excited for the man who voted either for Pierce or Scott, in 1852, and now supports the Republican nominee, for the alleged reason that the old parties have taken new ground upon the slavery question. Is it not rather *he* that has gone over to the Abolition camp, and accuses others of inconsistencies of which he himself is guilty?

I know there were politicians, and journals too, at the North, in 1852, who publicly proclaimed, while they supported General Scott on personal grounds, they, at the same time, contemptuously spit upon the platform upon which he was placed, and who, after the result of the election was known, proclaimed the Whig party dead! and immediately set about forming a northern sectional party, based upon the Abolition platform of antagonism to slavery.

I have said, and shall now proceed to prove, that the Democratic party is a national one. It is so, because the Democrats of Maine and Georgia, the one a free and the other a slave State, at the two extremes of the Union, hold to the same rule of political action by the General Government, and stand upon a common platform of principles now, just as they did in 1848 and 1852. It would seem that those Democrats and those Whigs who have deserted from the old party organizations, and have marched over to the Abolition camp, and are marshaled under the leadership of Mr. Giddings, (just in proportion as they have abolitionized themselves,) profess to think, and, indeed, positively assert, that the Democratic party has become pro-slavery. There are many of the so-called Republican party, who in 1852, were ready and willing to abide by the compromise measures of 1850 in principle and substance, and were willing honestly to carry out the provisions of the fugitive slave law, but who now hold the law to be unconstitutional, and that Congress has no power to enact any law upon the subject. Such converts undoubtedly think that their former political associates have become a great pro-slavery party. They think the party

which they left has, in the cant language of new Abolition converts, “sold itself out to the South”—that slavery has set up new and unheard-of pretensions—has become very arrogant in its demands!!

It is undoubtedly true that the Abolition party has strengthened itself greatly in the free States within the past two years; but it by no means establishes the fact that the Democratic party has abandoned, in any particular, its old and time-honored doctrines, or become desirous of extending slavery anywhere. As political history may always be read with instruction, I append extracts from the Buffalo resolutions, adopted in 1848, which formed what was then called, and is now remembered as, the “Buffalo platform:”

“Resolved, That it is the duty of the Federal Government to relieve itself from all responsibility for the existence or continuance of slavery, wherever the Government possesses constitutional authority to legislate on that subject, and is thus responsible for its existence.

“Resolved, That the true, and, in the judgment of this convention, the only safe means of preventing the extension of slavery into territory now free, is to prohibit its existence in all such territory by an act of Congress.

“Resolved, That we accept the issue which the slave power has forced upon us; and to their demand for more slave States and slave Territories, our calm but final answer is, no more slave States, and no more slave territory. Let the soil of our extensive domain be ever kept free for the hardy pioneers of our own land, and the oppressed and banished of other lands seeking homes of comfort and fields of enterprise in the New World.

“Resolved, That we demand freedom and established institutions for our brethren in Oregon, now exposed to hardship, peril, and massacre by the reckless hostility of the slave power to the establishment of free government for free Territories, and not only for them, but for our new brethren in New Mexico and California.”

The language of these resolutions clearly proves the identity of that platform with the Pittsburg platform of 1852, and the present platform of the Republican party of Maine. The same propositions are involved in each, to wit: the repeal of all laws for the returning of fugitives from labor; the admission of no more slave States; the prohibition of slavery in the Territories of the United States by congressional enactment; and its abolition in the District of Columbia.

I would most respectfully suggest to the learned member from the Oxford district, that he review that portion of his speech which I have done him the honor to quote, and to compare it with the Abolition platforms, which I have also copied for his instruction, of 1848, 1852, and the Maine Republican platform of 1855, which that gentleman had a prominent part in framing, and then answer me, whether or not they are, in substance and principle—and in words, even—identical? Sir, he will find, what any school-boy will perceive, that nothing is required to make them as exact counterparts of each other as the Siamese twins, but to add to those catchwords so ingeniously interwoven in the Pittsburg platform, of “free soil, free speech, free labor, and free men,” the euphonious and romantic word, “*Frémont!*”

This new Republican party, made up by its own invitation from the odds and ends of all other parties, through its national and State conventions, and by the mouths of its candidates, uses the following language:

“We invite all citizens, without distinction of party, and regardless of former differences of opinion, who are opposed to the repeal of the Missouri compromise, to the anarchical and dangerous doctrines of the Cincinnati platform,

to the extension of slavery into the Territories of the United States; in favor of freedom in Kansas; of the preservation of the Union, and of restoring the Government to the principles and policy of Washington and Jefferson."

Mark the language italicised! If this Republican party intend to carry out their principles, as shown in the above resolutions, they will violate the principles and policy of the administrations of Washington and Jefferson; but if they adhere to the principles and policy which governed the administrations of Washington and Jefferson, they will violate their platform. They may take either horn of the dilemma. They are either inconsistent in their professions; or they intend to be hypocritical in their practice, that is, provided they can get the power. In the administrations of Washington and Jefferson we have a standard—a test of high authority. Who does not entertain a profound respect for the measures and precedents established by those administrations? What they did do is preserved upon the imperishable records of the country. Let us compare, for a moment, those records with these modern Republican platforms. The Republicans propose to abolish slavery in the District of Columbia; did Washington or Jefferson ever recommend that measure? Washington superintended the laying out of the city. He approved and signed the act making it the permanent seat of Government; can any one learn from his administration that he advised or recommended any such measure as these Republicans are ready to spill their blood to force upon the country? It is not to be found.

Again, how is it in regard to the fugitive slave act, which the Republicans say, Congress has no power to pass—which they resist *vi et armis*? What was the policy of Washington in relation to that measure? Washington, on the 17th of February, 1793, himself, signed and approved the first fugitive slave law enacted by Congress, the third and fourth sections of which are in the following words:

"And be it also enacted, That when a person held to labor in any of the United States, or in either of the Territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any of the said States or Territory; the person to whom such service or labor may be due, his agent, or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any judge of the circuit or district court of the United States, residing or being within the State, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit, taken before, and certified by, a magistrate of any such State or Territory, that the person so seized or arrested doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent, or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled.

"Sec. 4. And be it further enacted, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent, or attorney, in seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent, or attorney, when so arrested pursuant to the authority herein given or declared, or shall harbor or conceal such person after notice that he or she was a fugitive from labor as aforesaid, shall, for either of the said offenses, forfeit and pay the sum of five hundred dollars; which penalty may be recovered, by and for the benefit of such claimant, by action of debt, in any court proper to try the same; saving, moreover, to the person claiming such labor or service his right of action for, or on account of, the said injuries, or either of them."

Again: how is it in regard to the next point of the Republican platform in relation to the prohibition of slavery in the Territories? Within the period of time embraced by the administrations of Washington and Jefferson, eight territorial governments were formed, to wit: Tennessee, Louisiana, Mississippi, Missouri—as slave Territories—and Ohio, Indiana, Illinois, and Michigan, as free Territories; yet the Republican platform demands that slavery must be prohibited in all the territory of the United States.

And still upon another point—to wit: the admission of slave States into the Union—how stands the Republican doctrine as compared with the acts of those immortal statesmen? During the administrations of Washington and Jefferson four new States were admitted into the Union—two free and two slave States—Kentucky and Tennessee as slave States, Vermont and Ohio as free States; and yet the Republican platform pledges the party to admit no more slave States into the Union.

What do the Republicans mean by this invitation, when they invite you to unite with them in forming a party that shall restore the action of this Government to the principles and policy which governed the administrations of Washington and Jefferson? Are they sincere? If they are, they are both false and inconsistent! Is it not rather that they wish to invoke the example of great names, keeping their acts in the dark, the better to mislead and deceive the honest and well-meaning voter? They had better correct their platform, and make it correspond with the examples they profess to imitate. The fathers and early Presidents were in favor of carrying out ALL the provisions of the Constitution in all its parts; while these modern Republicans are in favor of carrying into effect only such parts of it as they like, and rejecting all other parts.

There is one other point of comparison I will not omit to notice in this connection. The Republican Know Nothing Legislature of Maine enacted a law prohibiting the judicial courts of that State from naturalizing any foreigner at all. It is notorious that, as a party, the Know Nothings stand committed to the policy of extending the period of naturalization for the term of twenty-one years' actual residence. Now, what was the policy of the fathers "in the earlier and better days of the Republic" on this question? In Washington's administration the first act was passed, to wit: March 26, 1790, to carry into effect that provision of the Constitution which is in these words: Congress shall have power "to establish a uniform rule of naturalization;" limiting the period of naturalization to two years. In the administration of the elder Adams the term was extended to fourteen years; and in the administration of Mr. Jefferson the period of residence was reduced to five years, where it ever since has remained.

So much, then, for the comparison of the policy of the present Republican party with the principles and policy of the administrations of Washington and Jefferson, on this head of naturalization of the foreign-born citizen.

But I cannot let off my colleague, who affirms that "that the Democratic party is a sectional one," and that "the Republican party is national," without bestowing some further consid-

eration upon his allegations. The gentleman undoubtedly supported General Pierce for the Presidency in 1852, with the full knowledge of his political antecedents. He must have known the conspicuous part he bore in setting aside the nomination of Rev. Mr. Atwood for Governor of the State of New Hampshire, in consequence of his writing a Free-Soil letter soon after his nomination by the Democratic party. He must have been acquainted with the platform upon which he was placed, and the pledge made to carry out the provisions of the fugitive slave law.

I conclude he was a member of the political convention holden at Portland on the 4th day of August, 1853, and addressed that convention, which passed the following resolutions, among others:

"Resolved, That we recognize as fundamental Jeffersonian principles of the Democratic party, 'the sovereignty of the people'—the sacredness of the Union and Constitution—faith in the intelligence of the people—strict accountability of public agents—and 'appeals to the virtue and intelligence of the people' for the promotion of the ends of true Democratic Republican government.

"Resolved, That Franklin Pierce, by the noble stand he has taken, in his inaugural address upon the principles and present measures of the national Democratic party—by the wisdom and forecast he has manifested in the selection of his Cabinet and subordinate officers—by his honesty and fidelity to the people, and by the industry, integrity, and patriotism he has shown in the discharge of all the trusts committed to his care as Chief Magistrate of the nation, has commanded, and should receive, our unqualified approbation and enthusiastic support."

The gentleman must pardon me for placing before the House and the country the active agency which he had in electing General Pierce, upon the precise platform which he now so indignantly spits upon, and fiercely condemns. While the President has stood firmly upon the Baltimore platform, which was fully approved and indorsed by my learned friend, he has found it impossible to maintain an erect position upon it, but has tumbled headlong into the slough of Black Republicanism. I beg him to listen, while I pursue this train of thought, touching his political tergiversations, still further.

The following extracts are copied from the proceedings of the abovenamed convention, as published in the Oxford Democrat, a newspaper now edited by the gentleman:

Hon. John J. Perry, of Oxford, and Dr. James M. Buzzell, of Portland, addressed the convention.

"On motion of Hon. John J. Perry, of Oxford, voted that the thanks of this convention be tendered to the Democracy of Portland, for the manner in which they have entertained the convention; and the officers of the convention for the faithful manner in which they have discharged their duties."

Still further, I beg to call the attention of the House and of my consistent colleague, to another and subsequent convention, holden at South Paris on the 16th of August, 1853, of which convention he was a prominent member. At that meeting the following resolution was unanimously adopted:

"Resolved, That the Democracy of Oxford county congratulate the country on the election of Franklin Pierce to the Presidency; that the unparalleled majority by which that result was accomplished, affords, both at home and abroad, a signal illustration of the deep-seated and almost universal attachment of the people to Democratic principles; that the policy of his Administration, as indicated in his inaugural address, and as successfully carried out by his officials: acts thus far, meets our cordial approbation; that while demagogues and factionists may denounce his patriotic efforts to harmonize the Democracy of the Union, the people whose virtue and intelligence are above all price,

will triumphantly sustain him, and thereby cooperate successfully with a ruler after their own heart in maintaining the public honor and promoting the national prosperity."

From these resolutions, it is plain and clear as noonday, that my colleague was, at the time of their adoption, an ardent admirer of President Pierce, and particularly of the personnel of his Cabinet. There are some very significant quotations in the first resolutions, to wit: "The sovereignty of the people," "Faith in the intelligence of the people," "Appeals to the virtue and intelligence of the people. One holding these sentiments, it would be supposed, could hardly be unwilling to leave to the people of Kansas, as was left to the people of the thirty-one States, the question of forming their own domestic institutions in their own way, uninfluenced by outside opinions, without undergoing a slight change of mind.

Now, Mr. Speaker, I beg leave to ask, with all that respect for the member from Oxford, to which his position as member of the American Congress entitles him, whether you, sir, or any member on this floor, in view of the indisputable facts which I have presented in my remarks, have ever known or read of, in the history of any nation, the conversion of a public functionary which was so sudden, so thorough, and so unaccountable as that of the honorable gentleman referred to?

The allegation that the Democratic party is sectional and the Republican party national, made by the gentleman, taken in connection with the fact that a portion of his own Republican constituents undertook to celebrate (I should say desecrate) the last anniversary day of American independence, by hoisting a flag with only sixteen stars, emblematical of the free States alone, is only equalled by the coolness of the Spartan youth. The Spartans, to perfect their youth in the art and strategy of war, taught them to steal, but punished detection with great severity. A youth had stolen a fox and concealed it under his cloak; the theft was charged upon him, he denied it, though the fox was gnawing out his vitals at the time.

#### THE KANSAS QUESTION.

The troubles now existing in Kansas ought not to be. They seriously threaten the safety of the Union. It is now no time to bandy epithets, as to who is responsible or who is chargeable for the difficulties existing at this moment in that Territory. The all-important question is, how can we best allay them? Whether it were wise or unwise to have repealed the Missouri restriction is no longer an open question; for good or for evil it was done. Even if it were wrong or unwise to have repealed it, it furnishes no justification, or apology even, for those who may be disposed to increase the evils which have followed it. Questions of higher moment are now involved—the question of domestic peace or civil war. How does this question affect the people of Maine, a frontier State, with property to the amount of fifty millions afloat, and exposed to all the hazards of foreign aggression? Is it for her interest to have the prestige of a strong national Government, composed of thirty millions of people, to guaranty her security, or to be left at the mercy of every marauder, whose cupidity the ocean shall invite, with no other means of protec-

tion than such as a Government, about to break up in anarchy, can furnish?

If the state of things now said to exist in Kansas be permitted to go on unrestrained, the very atmosphere will become rarefied by the intense heat of excited passion, and prejudice, and the rush from the surrounding States will be increased, adding fresh fuel to the flame already ignited, until the whole country will be wrapt in the blaze of revolution. What can be done to avert this impending danger? What has been attempted? The Senate have passed a bill repealing the objectionable and obnoxious territorial laws, providing for taking a new census, for a new classification of the inhabitants into election districts, affording every reasonable guarantee for the enjoyment of the right of suffrage, and for a free and unbiased expression of the popular will. In this measure of relief they have asked the concurrence of the House of Representatives. The House have refused that concurrence. The majority of the House are Republicans; it has the organization. Upon whom, then, rests the responsibility? Certainly, not upon the minority, who voted in a body to suspend the rules to take up this identical bill, when the Republicans, to a man, voted against that suspension. Do the Republicans desire to have the Kansas troubles adjusted? I unhesitatingly answer, I believe not, until after the presidential election shall have taken place. They have "tacked" to the Army bill a *proviso* which is wholly unprecedented in the history of legislation, clearly unconstitutional, and one which they well knew the Senate would never agree to; evincing a determination to arrest the wheels of Government, unless they can coerce the Senate and the President into the adoption of their policy, against their convictions of duty. Thus Congress stands at a dead lock!

What is to be the end of these things? The Army disarmed—civil war rearing its horrid front—inflammatory zealots, running to and fro through the land, crying "no union with slaveholders," embittering the passions and exciting the prejudices of the people of one section against another. Can the result of such efforts, if persisted in, be doubtful in the mind of any one? There is but one mode of escape, and that is, in the spirit of our fathers, to frown indignantly upon the efforts of all such agitators, and endeavor to quiet the public mind by inculcating measures of pacification. I am willing to concur in any mode of relief which shall give to the people of that Territory a fair and just opportunity of expressing their wishes, unawed by threats or by invasion from any quarter; and, as they decide, I will abide by that decision, always provided they act within the limits of the Constitution. My own personal wishes are, that they should make Kansas a free State. Those wishes, however strong, I hold in subordination to the great principles of self-government. I prefer, on many accounts, that the question, whether that Territory shall be a free or slave State, shall be decided by the actual settlers therein rather than by Congress. It is, after all, more a question of jurisdiction than of measures, which really divides political parties—whether Congress or the people of the Terri-

tory shall determine the question. I prefer that the people should do it, for many reasons. It better comports with the principles and theory of our Government for them to do so. It was this principle which settled the great controversy of 1850. The case of California was a practical illustration of it. It worked well in that case; and why not, tried by the same principle, in this case? It must come to that after all. Suppose Congress were to admit Kansas as a State under her famous Topeka constitution: the moment she was admitted, it would be clearly within her power to call a State convention and revise her constitution. All our institutions in this country have for their basis the popular will; and it is illusory and vain to suppose that any permanent advantage can be obtained in either event, if the people are determined to have slavery.

Congress has now been in extra session over a week; time and again has the Army bill been voted upon and lost. The majority of the House adhere to the *proviso* attached to it. The Senate strike it off. The Constitution divides the powers of the Government into three separate branches, the legislative, judicial, and executive. This legislative *proviso* usurps both judicial and executive powers. Congress may determine whether the Army shall be greater or less, or none at all; but when created, the Constitution confers the power of commanding and locating it upon the Executive. Congress may declare war, and provide and maintain an army. Could Congress attach to a supply bill the direction of its movements, or say what officer shall command the Army? That is a power which belongs exclusively to the Executive. And so with the judiciary, another distinct branch of the Government. To the civil bill, which contains the appropriations for the salaries of the judges, could the House tack a *proviso*, that no salary should be paid to a judge unless he decided that some particular act on the statute-book was null and void? If the power of the House, as a coördinate branch of the law-making body, extends to the length of this *proviso*, it may control the action of the whole Government. The nature of the object to be accomplished has no influence in determining the question of authority. The object sought to be obtained may be right or wrong in itself. That is immaterial. These laws in Kansas may be ever so odious and tyrannical, yet the House have no more power to "tack" a *proviso* to the Army bill, than the President shall not use the Army to enforce them through the judicial tribunals, than if they were ever so wise and just. It is solely a question of constitutional power. Who, then, is responsible for the defeat of the Army bill? Is it the party which has confined itself within its constitutional prerogative? or that party which has usurped the power and prerogative which the Constitution vested in the Chief Magistrate? There cannot be a doubt in the mind of an impartial reader of that sacred instrument, as to where the responsibility rests. It is the first time in the history of our Government that this invasion of the authority of the Executive has been attempted; and it is devoutly hoped that it may be the last. The country will judge between them.

U. S. Congress. House. Committee  
= to investigate the troubles  
in Kansas.

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## MINORITY REPORT.

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## MINORITY REPORT.

JULY 11, 1856.—Ordered to be printed.

Mr. MORDECAI OLIVER, from the Select Committee, submitted the following views of the minority.

*The undersigned, member of the committee of three appointed by the House of Representatives to investigate the state of affairs in Kansas, disagreeing with the views and conclusions of his two colleagues, in the written statement submitted by them touching the result of their investigations, begs leave, under the permission of the House, to present a counter-statement.*

The authority under which the committee acted was an order of this House, passed the 19th of March last, directing them to "proceed to inquire into, and collect evidence in regard to, the troubles in Kansas generally, and particularly in regard to any fraud or force attempted or practised in reference to any of the elections which have taken place in said Territory, either under the law organizing said Territory or any pretended law which may be alleged to have taken effect there since; and when the investigation was completed, to report the evidence so collected to the House."

Under this resolution the committee entered upon the discharge of the duties imposed on them with as much dispatch as possible. Their labors were closed at Westport, Missouri, on the 9th of June, 1856. The paper in the nature of a report, drawn up by the colleagues of the undersigned on the committee, was not read to or by him, and he knew nothing of its contents or character until it was presented to the House. It was not the expectation of the undersigned that any other report would be submitted by them than the testimony taken. A full execution of the commission of the House, he thought, was the presentation of the evidence collected. But as the majority of the committee have thought proper to comment on the character of the testimony, and to give their version of the substance of the facts, which is altogether at variance from his understanding of both, the undersigned feels it incumbent on him to follow their example, by presenting like comments on his part.

It must have been apparent to all, that the report of the majority was not only *ex parte* and one-sided, but highly partisan in its character from beginning to end. This appears all through the paper, in the manner of their statement of all things referred to by them, as facts, many of which statements of facts thus made rest upon no evidence whatever collected by the committee

To justify this remark, the undersigned will, in the beginning of what he has to offer, barely allude to a few statements in the report of the majority, from which its whole character may be judged. It is, for instance, said by the majority, that "a party under H. C. Pate, composed *chiefly of citizens of Missouri*, were taken prisoners by a party of settlers; and while your committee were at Westport, a company, chiefly of Missourians, accompanied by the sitting delegate, went to relieve Pate and his party, and a collision was prevented by the United States troops."

Now, the undersigned affirms most positively that this statement has not one particle of proof, taken before the committee, to rest upon! There is no testimony in the whole mass collected by the committee on that matter—none at all. But the undersigned affirms, that, in his opinion, and according to the best of his information and belief, the fact is contrary to the statement of the majority; at all events, so far as relates to Captain Pate. Since that report has been made, under indulgence granted by this House, testimony has been taken on that point, from which it is made very clearly to appear that this statement, made without proof in the first instance, was founded wholly in error. Captain Pate himself—a man of character and integrity—swears that, to the best of his knowledge, "not one of them were citizens of Missouri." This deposition the undersigned here refers to, without spreading it out at large, and makes it a part of his report as fully and completely as if it were given in full in this place.

Again. The statement about the "young man being seized in the town of Atchison, and, under circumstances of gross barbarity, tarred and cottoned, and in that condition sent to his family," is entirely unsustained by any proof in the mass of that taken by the committee. It is true, testimony was taken as to alleged facts of this character; but when it was proposed to go fully into the investigation of the whole truth of such charges, and not to rest them on *ex parte* statements alone, the majority of the committee abandoned the investigation, and struck out the testimony which they had taken. But the undersigned has not time to go on with such specifications. He will here barely add, that all like statements in the report, as to the existing condition of the Territory, are wholly gratuitous and unsupported by any testimony taken by the committee. For the correctness of what he now affirms, the undersigned appeals to the testimony on file; and to counteract the impression of such statements by the majority of the committee, he begs leave to refer to the sworn depositions hereunto appended and made part of his report, as fully as if the same were set forth at large.

The undersigned affirms, most positively and distinctly, that the testimony taken by the committee contains no matter going to disprove or deny in the slightest degree these great, leading, and controlling facts in the merits of the controversy which gave rise to the organization of this committee, to wit: that an election for a Territorial legislature was held in Kansas Territory on the 30th of March, 1855, in pursuance of the proclamation of A. H. Reeder, governor of the Territory under the organic law; that, in that proclamation, the time and places of voting were set forth; that the judges of election

were appointed by him, with instructions as to how their places were to be filled if they or any of them refused or failed to act; that he reserved the power to himself to judge, in the first instance, of the election returns, and that he did so act; that the returns were made to him, and he did set aside the election of but nine members of the twenty-six elected to the house of representatives, and three of the thirteen elected to the council, and gave his certificate of election to the other seventeen members of the house, and ten members of the council, being a majority of both branches of the legislature; that he ordered new elections in those districts where he had set aside the returns; that the governor convened the legislature, thus constituted, according to law, on the 1st of July, 1855, and communicated with them officially after they were organized, and recognised them as a legally and properly constituted law-making body; and never, until August, 1855, after he was removed from the office of governor, did he object to the election of a majority of the legislature, both in the council and in the house of representatives, to whom he had previously given certificates.

These great leading and essential facts, upon which the validity or invalidity of laws, or "*pretended laws*," of Kansas must rest, are not denied, or even assailed, by a particle of testimony taken by the committee; and, with these facts unassailed and unimpeached, it is beyond the comprehension of the undersigned how the majority could come to the conclusion that the laws passed by the Territorial legislature were null and void in consequence of any illegality, even if such had been proved, in the election of its members. All questions relating to that election were closed by their waiver at the proper time, and without an investigation by the proper authority. This is a well-fixed principle in all our representative institutions; upon it they all rest, and with the correctness of it Governor Reeder himself seems to be duly impressed. This the testimony clearly discloses. In a letter found in the streets of Lawrence, and proven before the committee to be in the hand-writing of Governor Reeder, and bearing his genuine signature, dated in this city on the 12th of February, 1856, and addressed to a friend of his in Kansas Territory, he says:

"As to putting a set of laws in operation in opposition to the Territorial government; my opinion is confirmed instead of being shaken; my predictions have all been verified so far, and will be in the future. *We will be, so far as legality is concerned, in the wrong; and that is no trifling matter, in so critical a state of things, and in view of such bloody consequences.* \* \* \* \* \* I may speak my plain and private opinion to our friends in Kansas, for it is my duty. But to the public, as you will see by my published letter, I show no divided front."

This letter, and another also found, were addressed, as it is understood, to Grosvenor P. Lowrey, his friend, and formerly his private secretary, while he was governor of Kansas; and so important a bearing had they upon the *main facts of the case*, which are the *legality of the Territorial legislature and their enactments*, that the majority of the committee, after they had admitted them as evidence, as it was clearly understood by all parties, attempted to reject them. The following is their action in regard to them:

"The counsel for J. W. Whitfield, having at Leavenworth city offered in evidence before the committee two letters written by A. H. Reeder—the one dated Washington, January 20, 1856, the other dated Washington, February 12, 1856—and, before offering the said letters, their authenticity, both as to the signature and hand-writing in the body of said letters, was proved to be the proper hand-writing and signature of A. H. Reeder, and of which facts the committee were satisfied; but a majority of the committee—Messrs. Howard and Sherman—not being satisfied, at the time, of the propriety of the admission of such evidence, took the matter under consideration; and now, at this day, at the sitting of the committee at Westport, the question of the admission of said letters as evidence came up for consideration and decision, and a majority of the committee, Messrs. Howard and Sherman—Mr. Oliver dissenting—decline to receive said letters in evidence, and to be engrafted into and to constitute a portion of the evidence taken by the committee in their investigations, upon the ground that they, the committee, have not the rightful possession of them; they having been found in the street, and being clearly private letters, or so declared to be by the majority of the committee. The said majority of the committee take no objection to the relevancy or competency of said letters as evidence; but place their objection solely upon the grounds above stated, not denying that said letters might be evidence against said A. H. Reeder in a criminal prosecution. The committee admit that the copies of said letters, furnished to the committee for the purpose of having them transcribed into the evidence, are true and genuine copies of the originals offered in evidence, and which said copies are hereto appended, marked (A) and (B), and made part of this protest.

"The counsel for J. W. Whitfield, and on behalf of the law and order party in Kansas Territory, offer said letters in evidence for the double purpose of showing the opinions and admissions of A. H. Reeder, in reference to the matters and subjects connected with the elections of the 30th of March, 1855, in the Territory, and the contest now pending between Whitfield and Reeder in the House of Representatives, as well as to show the complicity of A. H. Reeder in all the troubles which have led to bloodshed and civil war in the Territory.

"To the refusal of the majority of said committee to receive said letters in evidence Mr. Oliver enters his protest; and also the said John W. Whitfield, by his attorneys, protests against the action of a majority of the committee in refusing the admission of said letters in evidence, as depriving him of his just rights in the investigation before the committee, and in showing to the country the true ground and source of all the difficulties in Kansas Territory.

"J. W. WHITFIELD.

*By his Attorneys,*

"AUSTIN A. KING,

"JOHN SCOTT.

"WESTPORT, Mo., June 7, 1856.

"The above protest was this day presented, and the accompanying

copies of letters, marked by me 'Exhibit A, accompanying protest,' and 'Exhibit B, with protest.'

"WM. A. HOWARD,  
"Chairman K. C.

"WESTPORT, June 7, 1856."

But the undersigned insists that they were not only competent, but pertinent to the main issue which the committee were sent out to investigate. He therefore incorporates copies of them in this report; he appends them to it, and makes them part of the same as fully as if here entered at large.

These remarks, touching the general character of the majority's report, and what has not been proved, are preliminary to such comments as the undersigned intends to submit on the matters which were elicited by the investigation. And another fact on the same line of preliminary observations, deserving, in his opinion, to be noticed, is, that witnesses were examined by the committee in but three places in the Territory, to wit: Lawrence, Tecumseh, and Leavenworth city; except that the testimony of Daniel Woodson, secretary of the Territory, was taken informally at Lecompton, in regard to the loss of poll-books in certain districts, and also a certain letter said to have been written by him. All the places in which witnesses were examined touching the election of the 30th of March, 1855, were in districts where the elections had been set aside by Governor Reeder himself, as before stated. All the testimony they took touching the elections at other places, was given by witnesses sent for and examined out of the vicinage; and much the larger portion of the testimony taken at the instance of the contestant was taken at Lawrence, the great rendezvous of the malcontents in the Territory. The object of the testimony of the witnesses produced by Governor Reeder, was to show that the election of the legislature on the 30th of March was carried by illegal votes from Missouri, notwithstanding he had officially adjudicated that question as governor of the Territory.

And before proceeding to notice in detail the testimony, such as it is, adduced for that purpose, it may be proper here to advert to some strange inconsistencies in the report of the majority, and which are apparent upon its face. They say, for instance, "this unlawful interference has been continued in every important event in the history of the Territory. *Every election* has been controlled, not by the actual settlers, but by citizens of Missouri; and, as a consequence, every officer in the Territory, from constables to legislators, except those appointed by the President, owe their positions to non-resident voters. None have been elected by the settlers, and your committee have been unable to find that any political power whatever, however unimportant, has been exercised by the people of the Territory."

This is certainly very broad and sweeping language; and who, after having heard it read, was not surprised to hear the same gentlemen admit, in an after part of their report, in speaking of the first election for a delegate to Congress, November 29, 1854, and after giving all the facts in relation to that election, that General Whitfield was duly elected a delegate to Congress? They say, "*of the legal votes*

cast, *General Whitfield received a plurality*," and was consequently duly elected. And if he was duly elected by *legal votes*, as they were forced to admit from the evidence, then the result could not have been affected by non-resident voters.

The undersigned does not deem it necessary for him to say more upon the subject of that election, which was the first object of their inquiry.

The majority admit that General Whitfield was duly elected by the actual settlers of the Territory, and those who were entitled to vote. This admission is a sufficient answer to their previous statement, that no person had been elected by the settlers, and that they had been unable to find that any political power whatever, however unimportant, had been exercised by the people of the Territory. Like inconsistencies appear in their statements concerning the election of members of the legislature on the 30th of March, 1855.

They say in the first place, in relation to this election, that companies of men from Missouri "were arranged in regular parties, and sent into *every council district in the Territory*, and into *every representative district but one*. The numbers were so distributed as to control the elections in *each district*."

And then, under the head of "tenth district," they say, "this and the 'eighth election district' formed one representative district, and was the *only one* in which the invasion from Missouri did not extend." But under the head of "twelfth district," they say, "the election in this district was conducted fairly; no complaint was made that illegal votes were cast."

And again, under the head of "seventeenth district," they say, "the election in this district seems to have been fairly conducted, and not contested at all. In this district the pro-slavery party had a majority."

These contradictory statements, to the undersigned, seem wholly inexplicable, and he leaves them for the majority to reconcile or explain as best they may. But the undersigned affirms, that the weight of testimony shows that the majority of the legal voters in fourteen out of the eighteen election districts in the Territory were in favor of the party electing a majority of the legislature, as returned and certified to by the governor. And the testimony as to the other districts, while it is contradictory on some points, is far from being conclusive that a like majority did not exist in them. This, moreover, appears from the report of the majority itself, without referring to the testimony.

The Territory was divided into ten council election districts and fourteen representative districts. The first council district embraced the city of Lawrence—the stronghold of the abolition or free-State party, as it is called. In this council district, the whole entire vote cast for the free-State ticket was but 255. The whole number of legal voters in that district, by the census in February before, was 446. These figures are taken from the tabular exhibit given by the majority themselves. And it is also in proof by Mr. Ladd, one of Gov. Reeder's main witnesses, that at least fifty illegal votes were

given for the free-State ticket in Lawrence by eastern emigrants just arrived, and not entitled to vote.

These figures and this fact show that the free-State ticket did not receive a majority of the legal voters in this district; for if fifty be taken from the 255 cast for their ticket, it would leave only 205, being 61 short of a majority of the 466 legal voters in the district. That Missourians may have voted there illegally, does not, and cannot, vary this result. But the election at Lawrence was set aside by Gov. Reeder for informality in the return.

The undersigned has compiled tables, comparing the votes cast for the free-State ticket in the several council districts and representative districts in the Territory. This is taken from the tables exhibited by the majority. It is part of their own showing. In it will be seen the number of votes cast in each district for the free-State tickets, compared with the number of voters at the time the census was taken in each respectively; and from this it will appear that the free-State votes fell far short of being sufficient to elect a majority in either branch of the legislature, even if there had been no increase of voters, by *bona fide* settlers, between the time the census was taken and the election.

But the concurrent testimony of a number of witnesses establishes the fact conclusively, in the opinion of the undersigned, that the emigration of *bona fide* settlers from the southern States was greater in the month of March, after the census was taken, than in any equal time previous.

Here are the tables :

REPRESENTATIVE DISTRICTS.				COUNCIL DISTRICTS.			
No. of representative district.	No. of voters by census.	No. of votes for free-State ticket.	No. of representatives.	No. of council district.	No. of voters by census.	No. of votes for free-State ticket.	No. of councilmen.
1	97	19	1	1	466	255	2
2	369	253	3	2	212	12	1
3	212	12	2	3	193	44	1
4	101	4	1	4	442	156	2
5	92	49	1	5	253	-----	1
6	253	35	2	6	201	140	1
7	242	152	4	7	247	-----	1
8	99	120	1	8	215	60	1
9	102	26	1	9	208	-----	1
10	83	-----	1	10	468	66	7
11	47	54	2				
12	216	-----	2				
13	203	-----	2				
14	335	59	3				

This shows that the aggregate of the votes cast in the Territory for the free-State ticket fell short of 800, while the census shows that there

were 2,905 legal voters in the Territory in the February previous. The free-State ticket, therefore, did not receive one-third of the legal voters of the Territory, even if all be excluded from the account who emigrated to the Territory after the census was taken.

This fact was apparent to the majority of the committee. But they attempted to break its force in two ways: First, by comparing the names on the poll-books with those on the census returns, from which comparison they argue that only a fraction over 1,300 of the legal voters upon the census returns voted at that election. And secondly, by arguing that the abolitionists were prevented from voting by violence, threats, and intimidation.

On the first point, the undersigned deems it unnecessary to say more than that no comparison between the poll-books and the census returns was made except by districts. Between the time of taking the census and the election, settlers had changed their residence from one part of the Territory to another, and doubtless voted in a place different from that in which they were registered when the census was taken. The committee did not compare the names on the poll-books with the names on the census returns throughout the Territory, and the comparison alluded to by the majority, therefore, by no means proves what they claim for it.

On the second point the undersigned will barely state that there is no evidence that any violence was resorted to, or force employed, by which men were prevented from voting at a single election precinct in the Territory, or that there was any greater disturbance at any election precinct than frequently occurs in all our State elections in exciting times. A number of witnesses on both sides swear that men on both sides had arms, guns, pistols, bowie-knives, &c., and made threats, &c. But no one of them swears that any one was prevented from voting by the use of these weapons in a single instance, to the best of the undersigned's recollection. The testimony from beginning to end does not disclose the fact of a single assault and battery at or about the polls, or on account of the side on which any one wished to vote or had voted, in the whole Territory, on the day of election. Some quarrels and fights occurred at two or three places, but not about voting, and not as many in the whole Territory as the undersigned is informed occurred at one precinct in this city at the late municipal election.

The undersigned will now take up and proceed with the districts in their order. He now refers to the election districts. There were eighteen of these.

#### FIRST ELECTION DISTRICT.

The testimony in this district shows that a great many strangers were present, some with wagons and tents; that considerable excitement prevailed. But there is no positive evidence of but a very few persons, known at that time to be citizens of Missouri, being present. All else is hearsay, vague and uncertain. While this is so, Mr. Salster, in his deposition hereunto appended and made part of this report, testifies as follows:

"I emigrated into the Territory of Kansas in June, 1854, and settled in the neighborhood of Lawrence, and have resided there ever since."

"My acquaintance was reasonably extensive in that district. I knew about 400 voters who resided in the district, but I did not know near all of the resident voters of that district. So far as I know, all the resident voters of that district were present and voted."

"At the time of the election of the 30th March, 1855, there was a majority of pro-slavery residents in the Lawrence district. I was well acquainted in the district. There were about 200 free-State resident voters in that district, and there were from 300 to 400 pro-slavery voters at the polls that day, whom I knew to be residents of that district, and a great many of them voted in my presence, and the others told me they had voted."

Besides this, the testimony of other witnesses shows that a large immigration of *bona fide* settlers from Missouri came into the district after the census was taken, and before the election.(1) The parties, says one witness, were pretty nearly divided—perhaps more of the free-State than pro-slavery party; but the free-State party were divided, and many voted for the pro-slavery candidates.(2) There was *no intimidation or force* used to prevent any of the free-State party from voting, and all could have voted who wished to vote.(3) In the afternoon some one hundred men, who had come in with Dr. Charles Robinson from the east, marched over to the polls and voted the free-State ticket.(4) They were said to have come into the Territory that very day.(5)

From this testimony, it is difficult for the undersigned to see how the majority of the committee could come to the conclusion to which they arrived, that even in the Lawrence district there was a majority of the legal voters for the free-State ticket.

## SECOND DISTRICT.

In regard to this district, the testimony is conflicting and contradictory; but the weight of the evidence, in the opinion of the undersigned, shows that there were many settlers came into this district after the census was taken, and before the March election. On the morning of election the free-State judges took arms with them into the judges' room. The free-State men, under the lead of Judge Wakefield, took possession of the polls, and required all the pro-slavery men to be sworn without discrimination, and did not swear any free-State men. The pro-slavery residents objected to this, and declared that both parties ought to be sworn alike. After some time the free-State judges resigned, and other judges were selected by the crowd. No intimidation was used to prevent the free-State men from voting, but all were asked to come up and vote. The pro-slavery

(1.) Horatio Owens, James Whitlock, A. B. Wade.

(2.) James Whitlock, A. B. Wade.

(3.) Horatio Owens, J. Whitlock, A. B. Wade.

(4.) J. Whitlock, A. B. Wade, J. M. Banks.

(5.) James Whitlock, John M. Banks.

ticket had a majority in the district, as the free-State party were not united on their ticket. (6) In addition to the general testimony relating to this district, the undersigned begs to call the attention of the House especially to the testimony of Parris Ellison, one of the judges to hold said election, appointed by Governor Reeder himself, which deposition, with others in relation to the election in that district, is hereunto appended and made part of this report. Mr. Ellison, in his deposition, among other things, says :

"The undersigned, Parris Ellison, states on oath : That I emigrated from Missouri to Kansas, and settled at Douglas, the second district, in October, 1854, and have resided there ever since. I was present at the election held at Mr. Burson's, in the second district, on the 30th March, 1855. I was appointed by Governor Reeder as one of the judges, and Mr. Burson and Mr. Ramsay, I think, were the other two. We met at Mr. Burson's house in the morning before the hour to open the polls. Mr. Burson was a magistrate, appointed by Governor Reeder, and he qualified me and qualified Ramsay. Ramsay qualified Burson. We appointed the clerks, and qualified them. George W. Taylor was one of the clerks. My son Parris was very sick at the time, and I wanted to resign. I proposed to resign if the other judges would permit me to name a man to serve in my place. Judge Wakefield, one of the candidates on the free-State ticket, was in the room, and interfered, telling the judges that they had power to name the man. They refused to let me appoint a man in my place, and I determined to serve, and did serve. I remarked to the other judges that we were sworn to act impartially during the whole day. They said, Yes ; we are sworn to act impartially. We agreed that, inasmuch as they knew a great many voters that I did not know, and I knew a great many that they did not know, that those whom I knew should vote without swearing, and those whom they knew I would not require of them to be sworn. Under this agreement we commenced the election. After some twenty-nine or thirty votes were taken, the pro-slavery party had some two to one against the free-State party. The other two judges began to grumble. Dr. Brooks came up to vote. I knew Dr. Brooks had a claim in that district, and had been on it, and had put a house on it.

"Dr. Brooks was a single man, and afterwards brought his wife there, and has resided there ever since. At the time of the election Dr. Brooks claimed to be a citizen of the district. I knew him to be a resident, and under our agreement I wanted to take his vote without swearing, but the other two judges refused to take his vote unless he would swear ; this he refused to do, because he said that he had understood that, under the agreement, if Mr. Ellison took his vote without requiring him to swear, that was all that was necessary. The other two judges still refused to take his vote. The doctor stood at the window a long time, and said, that unless they would let him vote, as he was a citizen of the district, and had been for some time previous, no other man should vote there that day. I told them that if they refused his vote it would create a fuss and confusion, and

that it would be violating the agreement made before the election began; but still refused. Sherman Woffal then came up to vote; but they refused to take his vote without swearing. Sherman said that he could prove by me that he was a citizen of the district, and had been a citizen of the district from the fall before. I knew that Mr. Woffal was a resident of the district, for he was living there when I went to the district to live. I bought hay of Mr. Woffal before the election, which he had made and cured the summer before. They still refused to let him vote, unless he would swear. He refused to swear because they, the judges, would not let him prove his residence. He said he would not swear. I had not, up to this time, objected to any of the persons that came up to vote which the other two judges said they knew. I had kept the agreement made between us to the word and letter. On account of this conduct on the part of the other two judges, a fuss and confusion arose in the crowd outside of the house. While the fuss was going on, I proposed to adjourn, as I told them I thought it would be over in half an hour or so. Mr. Burson, thereupon, adjourned for half an hour. He proclaimed the adjournment aloud. I told each one of the judges to pick up a poll-book. I took the ballot-box, which one of the judges tried to take from me. I think it was Ramsay, but am not certain. Sharp words passed between us, but I kept the ballot-box, and they took the poll-books and went off. A man by the name of Jones asked me where the poll-books were? I told him that Burson and Ramsay had taken them off. He followed them, and brought the poll-books back. I waited until the half hour had expired, and the other two judges did not come back. I waited ten minutes longer. I called them; but they did not come. I called them again, and they did not appear. I told the people that I would wait five or ten minutes longer, and if the other two judges did not come they would have a right to select two men to act in their places. I waited ten minutes and they did not come, and the people elected two men to act in their places, namely, Sherman Woffal and Frank Labay. They were qualified. I asked Mr. Taylor to repeat the oath to them, which he did; but, by mistake, Mr. Taylor signed the oath instead of myself. Mr. Taylor had been sworn in as a clerk by Mr. Burson and Mr. Ramsay. Messrs. Woffal and Labay and I then opened the polls, and the election went off quietly during the remainder of the day. We kept the polls open until 6 o'clock in the evening. Andrew McDonald was the pro-slavery candidate for council, and Judge Wakefield was the free-State candidate for council. O. H. Brown and Mr. Ward were the pro-slavery candidates for the house of representatives, and Jesse was one of the free-State candidates for the house, and the other I do not remember. All the votes received after we began the second time were for the pro-slavery candidates. The ballot-box which I took possession of at the time of the adjournment I carefully preserved, and did not open it until 6 o'clock in the evening. It was then opened in presence of the other two judges, who had been selected by the people, and the clerks. The ballots were counted, and there were twenty-one votes for the pro-slavery ticket, and

twelve votes for the free-State ticket. When we commenced the election the second time, we got another ballot-box.

"When I got there in the morning, there were some thirty or forty men present about the house, and when I went into the house I saw some fifteen or twenty guns standing in one corner of the house, which had been brought there by the free-State men. When the adjournment took place, the guns were taken away by the free-State men. These guns were all the guns that I saw on the ground. I did not see a gun in the hands of a pro-slavery man that day. There was no charge made with either guns or pistols or other weapons at the window, nor were there any threats of violence made by the pro-slavery men. There was no violence committed by the pro-slavery men there that day to the judges, nor were there any threats of violence offered, as I saw. I did not see Mr. Samuel Jones pull out his watch and say to the judges, Ramsay and Burson, that he would give them five minutes to resign, nor did I hear him afterwards say to them that he would give them one minute to resign. If this had occurred, I should have seen and heard it, for I was in the house all the time, and was at the door when these two judges came out. I did not see Samuel Jones in the house at any time while Ramsay and Burson were there. In my neighborhood I was well acquainted with the settlers there, and at the time of the election and before. The residents were almost all pro-slavery. From what I knew myself, and the information received from the census taker and others, I am satisfied that the pro-slavery party had a decided majority in the second district."

This is the district in which it is represented that sheriff Jones figured so conspicuously. The testimony of Mr. Ellison clearly disproves all such allegations. Other depositions, herewith filed and made part of this report, fully confirm the testimony of Mr. Ellison.

#### THIRD DISTRICT.

The testimony in relation to this district is, that the pro-slavery party had a majority among the actual settlers of the district.(7)

#### FOURTH DISTRICT.

The testimony in relation to this district shows that the pro-slavery party had a majority among the actual settlers.(8)

#### FIFTH DISTRICT.

In this district the testimony goes to show that there was a majority for the free-State party.

#### SIXTH DISTRICT.

The testimony goes to show that the pro-slavery party had a major-

(7.) Geo. Holmes.

(8.) A. S. Johnson, T. Mockbee.

ity of the actual settlers in this district, and also that most of the free-State men voted for the pro-slavery candidates.(9)

#### SEVENTH DISTRICT.

The testimony shows that the pro-slavery party had a majority among the actual settlers in this district.(10)

#### EIGHTH DISTRICT.

As to this district, no testimony was taken on either side, so far as the undersigned now remembers.

#### NINTH DISTRICT.

The testimony shows that in this district the pro-slavery party were in the majority among the actual settlers.(11)

#### TENTH DISTRICT.

The testimony shows that the election was conducted fairly in this district, and the result would not have been changed by the rejection of all the illegal votes on both sides.

#### ELEVENTH DISTRICT.

In this district there is no evidence to impeach the correctness of the election returns as made to and sanctioned by the governor.

#### TWELFTH DISTRICT.

There is no evidence to impeach the correctness of the returns of election for this district.

#### THIRTEENTH DISTRICT.

The evidence shows that there was a pro-slavery majority of the actual residents in this district, and that there was no force or intimidation used to prevent free-State men from voting.(12)

#### FOURTEENTH DISTRICT.

The evidence shows that the pro-slavery party was largely in the majority among the actual residents in this district; that the election was peaceable and quiet, and that no intimidation was used to prevent any one from voting.(13)

(9) Wm. Barbee, Joseph C. Anderson, S. A. Williams, T. B. Arnett.

(10) C. A. Linkenanger, Andrew Johnson.

(11) C. B. Mobley, Thomas Reynolds.

(12) Wm. Tebbs, O. H. Tebbs, and others.

(13) W. P. Richardson, Willard P. Hall, J. H. Whitehead, J. P. Blair, and others.

## FIFTEENTH DISTRICT.

The evidence in regard to this district shows that the pro-slaver party were largely in the majority among the actual residents—probably ten to one—and that there was no force or intimidation used to prevent any man from voting.(14)

## SIXTEENTH DISTRICT.

The evidence shows that the election in this district was conducted peaceably and quietly, and no intimidation or force used to prevent any one from voting. There was a decided pro-slavery majority among the actual settlers in this district.(15)

## SEVENTEENTH DISTRICT.

The evidence shows that in this district the election was conducted peaceably and quietly, and that the pro-slavery party were in the majority among the actual settlers.(16)

## EIGHTEENTH DISTRICT.

The evidence shows that the election was conducted peaceably and quietly, and that there was a decided pro-slavery majority among the actual settlers in this district.(17)

Upon an examination of the testimony taken before the committee, what the undersigned has affirmed in relation to these several districts will be found to be sustained by the proof. And from all the testimony collected, when compared and weighed properly, the undersigned feels confident that it will appear to every unprejudiced mind, not only that General Whitfield was duly elected, by the actual and *bona fide* residents, a delegate to Congress at the first election, in November, 1854, but that the free-State party was in the minority in the Territory at the March election in 1855, for members of the legislature; and that that election was not carried either by force, violence, or non-residents, but that a majority of the legislature was duly elected as certified to by the governor, and was properly constituted as a law-making body; and, as a consequence, that the laws passed by them, as far as they are consistent with the constitution of the United States and the organic act of the Territory, are valid; and, as a further consequence, that the sitting delegate, having been duly elected a delegate to Congress under a Territorial law thus passed, is entitled to a seat on this floor as such.

And having gone through this branch of the subject, the undersigned now beg leave to refer to other matters alluded to by the majority of the committee in their report. They speak of a certain secret political society formed in the State of Missouri, known by different

(14) John W. Martin, N. Williams.

(15) W. G. Matthias, L. J. Eastin, R. R. Rees, Amos Rees, A. T. Pattie, J. H. Day, A. McAuley, and others.

(16) Cyprian Chouteau, Rev. T. Johnson.

(17) R. L. Kirk, J. W. Foreman.

names, such as "Social Band," "Friends' Society," "Blue Lodge," "Sons of the South"—the object of which was to send emigrants into Kansas for the purpose of making it a slave State.

In reply to this part of their report it is only necessary to state that the evidence shows that these organizations were formed for the purpose of counteracting similar and other organizations, first started at the east and elsewhere, for the purpose of colonizing the Territory with persons for the avowed object of making Kansas a free State, and in this way ultimately affecting injuriously the institutions of Missouri.

The first society of this kind was formed in the city of Washington, immediately after the passage of the Kansas-Nebraska bill. It was composed of members of Congress of both branches, and others.

The undersigned refers, in this connexion, to the testimony of the Hon. Daniel Mace, a member from Indiana, which is appended to this report and made part thereof. In his deposition he states that such an association was formed in Washington immediately after the passage of the Kansas-Nebraska act. It was called the Kansas Aid Society, the members of which subscribed various sums of money, he himself subscribing \$50 or \$100, he is not certain which amount. The object of the movement was to induce persons to go to Kansas who would make that their home, and who would at all elections vote against the institution of slavery. Mr. Goodrich, a member of the House of Representatives from Massachusetts, was the president of the society.

Soon after this society was formed, other societies were formed in the eastern States for the same object; that is, for the purpose of sending persons to Kansas to control the elections there. A society of this kind formed in Boston, Massachusetts, commenced sending emigrants to Kansas for this avowed object. To show the object of this last-named Emigrant Aid Company, the undersigned begs leave to refer to a letter written by Thomas H. Webb, corresponding secretary of the company, and which is among the testimony taken by the committee. It is as follows:

Boston, *August 14, 1854.*

DEAR SIR: By the pamphlet mailed you, much of the information which you desire can be obtained.

The next party will leave here on the 29th inst., at quarter past 2 p. m.; they will go *via* Buffalo, Detroit, Chicago, Alton, and St. Louis, and will disembark at Kansas City, near the mouth of Kansas river. The fare through will be about \$25 for first-class accommodations; meals extra, which need not cost, on an average, more than twenty cents. Each person is allowed 100 pounds of baggage, and for all excess will be liable to pay about \$3 per 100. Children under three years will be taken free; between three and twelve, pay half-price. No pledges are required from those who go; but as our principles are known, we trust those who differ from us will be honest enough to take some other route.

The agent who located our pioneer party will accompany the next one, and furnish all requisite information.

Yours, respectfully,

THOMAS H. WEBB,  
*Sec. Em. Aid. Co.*

A. JENNINGS, *Provincetown, Mass.*

The undersigned also refers to a pamphlet admitted in evidence before the committee, from which he submits the following extracts:

"THE PIONEER PARTY.—Charles H. Branscomb, esq., one of the company's agents, went up with the pioneer party, and located them on a beautiful tract of land previously selected by him as an advantageous position for a town-site. This spot is situated six miles above the Wakarusa, a tributary of the Kansas river, and about thirty-five miles above the mouth of the latter stream, on its south side. For a brief description, the reader is referred to the paragraph commencing on page eleven, and continued on page twelve, of this pamphlet.

"Mr. B. travelled in various sections of the Territory, and says it is impossible for one who has not been in that region to conceive of its beauty and fertility; he confirms all the statements that have been made respecting it in our pamphlet.

"The second party left this city on Tuesday, the 29th of August. They reached Kansas City September 6th, and entered the Territory under the guidance of Charles Robinson and S. L. Pomeroy, agents of the company. They were cordially received by the pioneer party, and have made a joint settlement at the beautiful site selected by Mr. Branscomb.

"The third party, under the guidance of Mr. Branscomb, (who has returned twice from Kansas since July,) left Boston September 26th. It numbered eighty-six persons, to which accessions were made at Worcester, Rochester, and elsewhere westward. Messrs. Pomeroy and Robinson are making great exertions to accommodate the parties for the winter, and to provide the materials for the erection of houses in the spring. This pressure of business involves a large expenditure, which their experience will enable them to make with prudence and discretion. But their drafts cannot be met with the funds in the hands of the trustees, unless '*material aid*' furnished by those who wish for success to the enterprise shall be very much greater than it has been thus far.

"The fourth party left this city the 17th of October. It numbered 123 individuals, to which sixty were added at Worcester, a number at Springfield, Albany, Rochester, and Buffalo. At Chicago a large accession was anticipated, and ere leaving St. Louis the number will exceed 250."

This was all in the summer and fall of 1854, and prior to the first election for a delegate to Congress, in November of that year. Whatever organizations, therefore, were formed in Missouri, of the character alluded to by the majority of the committee, were formed solely and expressly for the purpose of counteracting those organizations previously formed elsewhere. This the testimony abundantly proves.

The testimony also shows that emigrants going out under those and similar organizations were supplied with arms and munitions of war. Great numbers of Sharpe's rifles and several pieces of artillery were sent to the Territory. And if arms were taken by emigrants from Missouri, it was only for the purpose of defence against arms in the hands of emigrants from other quarters.

The testimony shows that large numbers of persons sent out by these eastern societies went into the Territory during the month of March, just before the election, declaring it to be their intention to vote; that they came there for that purpose; and in a few days after the election, great numbers of these persons were seen returning to the north and east, saying, many of them, that they had voted.\* The testimony also shows that a large number of Missourians went over to the Territory on the day of election, merely to prevent illegal voting on the part of these eastern emigrants, and few of these Missourians, and only a few, are proven to have voted, and their names given, by the testimony; not as many in all as those of the eastern emigrants, who it is proven voted illegally at Lawrence.

The majority of your committee in their report say, that the only cause of the hostilities in the Territory was the known desire of the citizens of Lawrence to make Kansas a free State, and their repugnance to laws imposed upon them by non-residents.

The undersigned, however, is unable to concur with them in that allegation. On the contrary, he affirms, what he believes to be the truth of the matter, that the cause of all the difficulties in the Territory of Kansas, from its organization down to the present time, is to be found, first, as before stated, in the various organizations of members of Congress, and in the northern and eastern States, with the avowed purpose of colonizing the Territory with persons of anti-slavery sentiments, to the end of making Kansas a free State; secondly, that finding themselves defeated and thwarted in their purpose of electing a legislature in favor of making Kansas a free State, as shown in a former part of this report, being chagrined and mortified, they, the anti-slavery party in the Territory of Kansas, in a fit of desperation, determined to set themselves up in opposition to, and in resistance of, the laws passed by the Kansas legislature, and to resist them to a "bloody issue," if necessary to their defeat and utter subversion. Indeed, the undersigned affirms, that even before the legislature convened, there were propositions made to form an organization of a military character, to resist any and all laws which might be enacted by that legislature, by force of arms, even should such resistance result in the subversion of the government of the Territory, and to the peril of the Union itself.

In proof of this allegation, the undersigned begs leave to refer to the testimony of Dr. J. N. O. P. Wood, which is as follows:

"I came into the Territory first about the 1st of April, 1854; I located permanently in Lawrence about the 7th of October, 1854; I resided there until some time the last of March, or the 1st of April last, and then I went to Leocompton. About the time I came there,

there was considerable difficulty between what was called the Lawrence Association, of which Dr. Robinson was president, and the settlers that were not members of this association. The members of the association held a meeting two or three evenings after I got there, and elected a judge, and a Mr. Grover marshal, and organized a company, which I think they called the 'shot-gun battalion,' for the purpose of preventing persons that did not belong to their association from settling about the place, and taking timber and stone from the claims of those who did live there. They said there was no law in the Territory; that the organic act was unconstitutional—made so by the repeal of the Missouri compromise; and that they intended to form an association, and make and enforce their own laws, irrespective of the laws of Congress, until there could be a change in Congress, by which the Missouri compromise could be restored, and the organic act set aside.

"There was no open opposition to the execution of the laws until Governor Reeder appointed justices of the peace, and one or two members of this association were arrested. They refused to recognise the power of the justice of the peace, and refused to attend as witnesses, and would only attend their own provisional court, as they termed it.

"When the legislature was about to be elected, they held a meeting, and brought out their candidates. After the legislature was elected, and before they met, there were several meetings held in Lawrence, and at those meetings they passed resolutions declaring they would submit to no laws passed by that legislature. This was what was called the Lawrence association, different from the town association. It was composed of men sent out under the auspices of the Emigrant Aid society, and Dr. Robinson was at the head of the association. Many belonging to this association lived in different parts of the Territory. They were allowed to vote at the meetings of the association, which I sometimes attended, and those who were not enrolled as members of the association were not allowed to vote or debate at their meetings. Some of them lived at Ossawatimie, Topeka, Manhattan, and other places in the Territory. They resolved not to obey the laws that would be passed by the legislature, and only obey their own provisional laws until they could form a provisional government for the Territory.

"The first general meeting, while the legislature was in session, was held in Lawrence in July or August, 1855. Before that time their meetings had been of the association; but this was the first general meeting. That was the first meeting at which I recollect hearing Colonel Lane take ground in opposition to the laws that the legislature, then in session, should pass. All the public speakers that I heard there, said they did not intend to obey the laws that should be passed, but intended to form a provisional government for themselves. After the legislature adjourned, the first meeting at which I heard any declarations with regard to the resistance of the laws was held at Blanton's bridge. Col. Lane, Mr. Emery, and Mr. John Hutchinson addressed the meeting, urging the people to resist the laws, let the consequences be what they might.

"In private conversation with those men, they always expressed

their determination to resist the laws, and said the officers and posse should not enforce the laws. They said they had a new code of laws called Sharpe's Revised Statutes, and they were going to use them in preference to any others. It was a common remark, that they would use Sharpe's revised statutes in preference to any others.

"I think the first box of rifles came there marked Revised Statutes. I think after Mr. Dietzler came back he said he brought the rifles with him. When they were brought to Lawrence they wanted to put them in my warehouse. They were lying at my door, and I inquired what they were, and Mr. Salter, who was keeping the warehouse for me, said they were emigrant aid guns. I objected to their being put in my warehouse, and they were taken and put in Mr. Simpson's office. I told them I would not be the first to harbor guns brought there for revolution.

"I often expostulated with Lane, Robinson, and others, both publicly and privately, as to their course, and addressed the meeting at Blanton's bridge in opposition to their course. They said they would resist the laws regardless of consequences.

"The next public meeting I recollect of was the Big Springs convention. At that convention I had but little conversation, except with Governor Reeder and Judge Johnson. Prior to the meeting several days, Governor Reeder came up to our place. I heard that he was urging the people to resist the laws, and do so by setting a different day for the election of delegate to Congress, on which he should be voted for. I called on him at his room, and asked him if he had recommended that course, and he said that he had intended to have returned to Pennsylvania, but upon reflection he had concluded that if they would take that course at the convention, he would be a candidate for Congress, and had returned from Kansas City, where he had taken his trunks and baggage. He said he had understood since he came there that Lane, Roberts, and others, would be candidates before the convention; but if they would withdraw, and the course he had indicated was taken, he would be a candidate for Congress. He said it would give him an opportunity to bring the matter before Congress, and with the majority they had then in Congress against the democratic party he thought he could succeed in ousting General Whitfield if elected.

"A meeting was held in Lawrence, and it was agreed upon that a different day should be fixed upon for the election; and the candidates who were there—Robinson, Lane, and some others—agreed to withdraw in favor of Governor Reeder. This was four or five days before the Big Springs convention.

"I rode up to that convention in company with General Pomeroy, who invited me to go up with him. At the convention I had another conversation with Governor Reeder. We had always been on the most intimate terms, and I talked with him as I would with any friend. I talked with him, and said that I thought that by taking that course, and thereby repudiating the laws, it would bring a state of anarchy upon the Territory that he nor I would probably live to see the end of. I said it would be opening the door and giving an invitation to outlaws outside of the Territory to come and make that

the field of operations ; that it would bring about a state of things that would be injurious to the country, by preventing capitalists from risking their means in such a country.

"He replied that he thought differently ; that they had determined to adopt the platform of the Topeka convention, held before that time, recommending the formation of a provisional government. I think he took a pencil and draughted a resolution recommending the calling of a convention to form a State constitution. He said he would offer that resolution ; they could go on and form their State constitution, appoint an executive committee to issue a proclamation calling for the election of delegates to form a free-State constitution, and they would elect their members to the legislature, pass their laws ; and if Congress did not admit them, they would pass their own laws, and go on independently of Congress, until such time as they could be admitted.

"I remarked, that would bring them immediately in conflict with the acts of the Territorial legislature, one or the other of which must become supreme ; and I thought it would necessarily bring on a collision between the two opposing parties, and involve the country in an armed difficulty.

"He replied, that they had made up their minds to resist the laws, and by forming a free-State constitution they could get the aid and sympathy of the North to help them enforce their provisional laws ; that they were determined to resist the Territorial laws. That was about the substance of the conversation.

"In his speech before the convention, he urged them to resist the Territorial laws at all hazards. I have read the speech of Gov. Reeder as reported in the proceedings of the Big Springs convention, in a printed copy now before me. I cannot say that it contains all his speech. He spoke for an hour, or a little over an hour. I understood him distinctly to say this : that he wanted them, if they had any regard for their rights, not to appeal to the laws for redress, nor answer others if appealed to. He called them 'bogus' laws, meaning thereby the Territorial laws. That, I think, is about the substance of what he said.

"I came down home, I believe, in company with Judge Johnson, who disapproved of the course adopted. I had conversations with Governor Reeder afterwards, but we held our respective positions.

"A proclamation was issued by what was called the Executive Committee, calling an election for State officers and legislature, a convention to form a State constitution having met and formed a State constitution. I talked with Lane and Robinson often about this matter. There were free-State men in Lawrence who opposed this course, and oppose it yet. I myself co-operated with the free-State party, until they took these revolutionary steps, and then I left them.

"I lived in Illinois twelve years before I came to this Territory."

Indeed the undersigned affirmed, upon the testimony, that either before the meeting of the legislature, or during its session, or after its adjournment, there were other organizations formed, to resist by force of arms the execution of any laws the legislature might pass, or any which they had passed, at all hazards, even to the destruction of the

Territorial government, and the dismemberment of the confederacy itself. In proof of this assertion the undersigned begs leave to refer to the testimony of Pat. Laughlin, and the testimony of Dr. Andrew J. Francis.

Pat. Laughlin testifies, in substance, that he came to Kansas from the State of Kentucky, in May, 1855. He settled in Doniphan, and favored the free-soil sentiment. He became a free-soiler about the middle of August, 1855, and had a meeting of that party on the 25th of the same month; at which meeting S. Collins presided.

The meeting—although it was one intended for all of the fourteenth election district, as designated by Gov. Reeder, in his official proclamation governing the spring election of 1855—had but about forty members in it, and that, too, in a district far more thickly populated than any other district in the Territory of Kansas.

This meeting was addressed by A. Lazelere, Dr. G. A. Cutler, C. W. Stewart, B. Harding, and others, all of whom urged very strongly on the meeting the necessity of forming a society something on the order of the "Know-nothings," by which they could unite their small party, and labor more effectually against the pro-slavery party. This idea was received with general acclamation by every member of the meeting but himself. He thought this a good sign of their "Know-nothing" origin. He therefore opposed the manœuvres they were making; told them if they went into such measures, they would find in him an unrelenting enemy. They, sooner than cause any disturbance in their yet feeble ranks, gave up all thoughts of such organizations. The meeting then went on; and, after disposing of all business before it, we had speeches from several of the leading men—S. Collins, Dr. G. A. Cutler, C. W. Stewart, John Fee, A. Lazelere, B. Harding, B. G. Cady, and others—many of whom strongly urged that the people ought to rise in arms, and with their might resist the authorities; and sooner than permit slavery in Kansas, or even to submit to the repeal of the Missouri Compromise, to go with all their might for a disunion of the States; and, in order to effect their purpose, shed, if necessary, the last drop of their blood. Those speeches were received with acclamation by the poor deluded listeners. He was appointed at this meeting, together with several others, to represent the people of this (14th) district at the Big Springs convention, to be held on the 5th of September. Next day several of the delegates met, and solicited him to go before the rest several days, that he might find out what our party was doing in other parts of the Territory. He started for Lawrence on the 27th of August, and after riding as far as Ocala, in Atchison county, he stopped at the house of Mr. Crosby, and made himself known to him. He then made him acquainted with the secret military organization, which organization had been on foot from the 4th of April, 1855. (There was another society previous to this.) Mr. Crosby then gave him a letter of introduction to G. W. Brown, of the Herald of Freedom.

He went to Lawrence, and after acquainting Brown with his business, and giving him the letter of Mr. Crosby, he showed him a great number of Sharpe's rifles—he supposed about 75 or 100—and told him they were sent to them by the Emigrant Aid Society, of Boston; that

this society had also sent, and would continue to send, men and means to make Kansas a free State by force, if necessary. He told him that the arms and munitions of war were sent generally as dry goods or books to the agent of the society; and were sent concealed in this manner, that they might not be detected by the United States officers. He told him that when our regiment would number thirty men, we could send a delegate to Boston; but that he must first visit Lawrence, where he would get letters of introduction to the society in Boston, who would furnish us with as many rifles as we had men to bear them in the neighborhood; and, furthermore, that he would get them gratis.

While in Lawrence, a box of goods came, directed to C. Robinson; it was taken into the room where they hold their secret meetings. A frier<sup>d</sup> of his invited him to go up with him to see the kind of goods they received from the East. He went up, and, to his surprise, saw in the box a lot of blue jackets and white pants for military uniform; also a drum and drum-sticks.

The lookers-on winked with their eyes, as though they meant something. There was a large house, which answered the double purpose of a hotel and fort, and with which the public is very familiar; it was then in the course of erection by the Emigrant Aid Society of Boston; it had port-holes in it for guns. He was told by Mr. Brown, Mr. Conway, Hutchison, and Lowry, and many other leading men among the abolitionists, that this hotel was intended principally for a fortification for their town, for they expected their conduct would bring them, before long, into a collision with the authorities.

A. H. Reeder seemed very well acquainted with the secret military order. Immediately after he told his business to Mr. Brown, and let him know he was a member of the secret order, he had an introduction to A. H. Reeder. They both then got up and went into the back room, where the rifles were, about twenty-five feet from him, and stood in a position on the floor where he had a full view of them. He could see from their actions, and from part of their conversation, which he overheard, that he and the society were the principal topics of their conversation. When they finished their interview a preacher came in, and he was introduced as late of Boston. The three then began a conversation, in which the topic was, what men and means they could get by the next election, which was to come off in the fall, for delegate to Congress. They spoke of a preacher who had gone to Boston for the express purpose of getting voters and other means to insure success at the coming election.

Pursuant to public notice, the convention of the abolitionists met at Big Springs, on the 5th of September, 1855; also the executive committee. This committee claimed the sole right to govern the Territory. He was introduced to this convention by A. H. Reeder. His manner of introducing him was very strange, and he was made a member without being proposed in his hearing. Shortly after he was introduced to the committee a man whose name, he thought, was McCullough, and whose accent and outward demeanor bespoke him to be from the eastern States, offered the following resolution:

*“Resolved, That every reliable free-State man in the Territory be*

furnished with a rifle, a brace of pistols, and a sabre, gratis ; and that he be required to take an oath to come when called upon, and muster into service under his superior officer, and to sacrifice his life, if necessary, to rescue the person and property of any person who would be brought under the jurisdiction of the present laws of the Territory."

The above resolution was seconded, and received by loud stampings in every part of the house, except the chairman, (C. Robinson,) who remained silent a few moments, as though lost in deep thought. He at last spoke up, and asked the gentleman to withdraw his motion, and they would act upon it in a more private manner. All seemed silent and seemed to wonder at the chairman's course. Another spoke up, and said he thought the resolution interfered with provisions already made.

The chairman said he thought not ; but, for reasons he cared not to give at present, he wished the gentleman to withdraw his resolution, and let them act upon it in a more private manner. It was then withdrawn. This committee, in assuming the government of the Territory, appointed two governing committees of three men each side of the Kansas river, whose duty it was to establish post offices, mail routes, and mail carriers, to carry and take care of all free-soil and abolition mails, which was confined to the Territory. These two governing committees had the power to appoint persons who would arbitrate all difficulties arising in their respective districts. Persons so appointed were subject to removal, and responsible to the governing committee for any neglect of duty or abuse of power. In like manner, the governing committees were responsible to the executive committee.

All expenses of the above-named officials were to be borne by the executive committee, who would derive the necessary aid from the eastern States and the Emigrant Aid Society of Boston. The executive committee issued orders for all free-State men to give into the governing committees all the statements they could which would effect anything in weakening the pro-slavery party. He being further north than any of the other two who were on the committee with him, he had all the statements to take of those north of him, and any other direction that was convenient.

There were many who gave him their statements against the legislature and private individuals. All those who gave him any statements, had it in such language as was capable of being construed into a more dangerous meaning for the pro-slavery party, than what the real definition should be. Many of them told him they were making use of language that would make the pro-slavery party appear to the world more guilty than they in reality were ; and no matter how false a meaning was put on their statements, they would be easy in conscience if they could realize their object. Many told him, when called upon, they were willing to swear that thousands of Missourians came over and voted, although he saw none ; but admitted to him that they saw no Missourians vote, nor did they know of any who did. He had heard A. H. Reeder urge the people to rebellion and bloodshed, while they listened to him as though he were one of the prophets and patriarchs of old. He had heard men say, who appeared to take and hold

a high position among the abolitionists, openly boast that they had helped to run off negroes from the south into Canada, and hoped the day was near at hand when they would succeed in all their designs, and settle those gentlemen of color along the shores of Kansas, where they could make war on the institutions of the South—particularly of Missouri—till there would not be a slave left in it. Such are the principles of those who keep Kansas in a state of rebellion, and such are the men who are the leaders of the abolitionists—leading them on to thievery, treason, and death.

He has heard Judge Johnson, of the United States supreme court for the Territory, often instruct the people that, when called on to swear in the Territory, they might swear to what suited them, and they would not be perjured, as there was no law in the Territory. Whilst in Lawrence as delegate to the convention of the free-State men to be held at Big Springs, he heard many of the people say many of their people returned after the spring election. There were a great many camps at Lawrence then. Some of those forming the camps told him that they would return to the States in the latter part of the fall. At the fall and winter election for a delegate to Congress, for a State constitution and the formation of a State government, the judges of the polls had instructions publicly, that in case of Indian or other troubles they might adjourn from day to day, and finally to any other district in the Territory, to hold their election. But the private instructions were, if pro-slavery men attempted to vote, and were likely to have a majority, they must adjourn from day to day, and finally to any free-soil district in the Territory. He heard many of the people in Lawrence curse the Emigrant Aid Society of Boston, and say if it did not pay them soon they would return to the States, for it had failed to pay them for some time. He was told by several of the emigrants in Lawrence that the Emigrant Aid Society of Boston paid the expenses of all men who would come out to Kansas to vote for it to be a free State.

The following is an extract from the deposition of Andrew J. Francis:

“Offers were made to me by various persons to introduce me to a secret political organization. The only name I ever received as a member of the lodge was ‘**Kansas Regulator.**’ The next morning I was conversing with Governor Reeder, Jas. H. Lane, G. P. Lowry, and several others, one by the name of Chapman and one by the name of Hornsby; but both these gentlemen had merely come up to us as we were standing on the corner of the street talking. I had noticed black ribbons tied in the shirt-bosoms of several gentlemen; I noticed one or two tied to Governor Reeder’s shirt-bosom. I made the inquiry as to what those black ribbons meant. Colonel Lane asked me to go with him, and he would show me something that would please me better than what I had seen the night before. The night before I had attended a masonic lodge. Colonel Lane was in the lodge while I was there. I made some reply to Lane, as though awaiting to go with him, saying that I would have to see something that would please me extraordinarily well, if it pleased me better than what I had seen the night before. I went with Colonel Lane to the

law-office of John Hutchison, as I afterwards found out. Governor Reeder did not go into the room where I was initiated. Doctor Robinson was standing just before the door, with a lady, I think. Colonel Lane asked him to leave the lady and go into the office with us. Robinson rather objected at first, but finally came in with us and said he would explain the nature of the organization he was about to initiate me into. The substance of the explanation was that Kansas was a beautiful country and well adapted to freedom, and the best territory in the world for the friends of freedom to operate on, more especially for those who were engaged in the free-white State cause. After proceeding in that strain for awhile, he asked me if I was willing to pledge my word and honor that I would keep secret what I saw there and who I saw there, provided he would pledge his word and honor that there was nothing that would interfere with my duties as a citizen, or that was disloyal in any respect. I replied that I was willing. He then gave me some other instructions that I do not now recollect, of about the same import as the first. Colonel Lane then took me in hand and told me that he could administer the grand obligation, which was done by my repeating after him, as follows:

‘I, of my own free will and accord, in the presence of Almighty God and these witnesses, do solemnly swear that I will always hail, forever conceal, and never reveal any of the secrets of this organization to any person in the known world, except it be to a member of the order, or within the body of a just and legal council. I furthermore promise and swear, that I will not write, print, stain, or indite them on anything movable or immovable, whereby the least figure or character may become intelligible to myself or any other person. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to obey, even to death, the orders of my superior officers. I furthermore promise and swear, that I will at all times, and under all circumstances, use my influence to make Kansas a free-white State. I furthermore promise and swear, that all things else being equal, I will employ a free-State man in preference to a Missouri man, or a pro-slavery man. I furthermore promise and swear, that all business that I may transact, so far as in my power, shall be transacted with free-State men. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to take up arms in defence of free-State principles, even though it should subvert the government. I furthermore promise and swear, that I will at all times, and under all circumstances, wear upon my person the regalia of my office and the insignia of the order. I furthermore swear, that I will at all times, and under all circumstances, wear on my person a weapon of death. I furthermore promise and swear, that I will at all times, and under all circumstances, keep in my house at least one gun, with a full supply of ammunition. I furthermore promise and swear, that I will at all times, and under all circumstances, when I see the sign of distress given, rush to the assistance of the person giving it, even when there is a greater probability of saving his life than of losing my own. I furthermore promise and swear, that I will, to the utmost of

my power, oppose the laws of the so-called Kansas legislature. I furthermore promise and swear, that when I hear the words of danger given, I will repair to the place where the danger is. I furthermore promise and swear, that if any part of my obligation is at this time omitted, I will consider the same as binding when legally informed of it. I furthermore promise and swear, that, at the first convenient opportunity, I will commit this obligation to memory. To all of this I solemnly swear, without equivocation or self-evasion, binding myself under the penalty of being declared a perjurer before Heaven and a traitor to my country.'

"I then remarked to Col. Lane, that that was a very serious obligation. He replied it was; and also stated that it was necessary for me to become acquainted with the signs and pass-words. The sign of recognition is given by placing the right thumb under the chin, and the fore-finger of the right hand by the side of the nose, quietly scratching or rubbing it two or three times. The answer to it was given by placing the thumb and fore-finger of the left hand on the lower lip, as if rubbing it. The grip was given by locking the two first fingers of the right hand over each other. The words accompanying the grip are these: The one giving you the grip would ask: 'Are you in favor of Kansas becoming a free State?' The answer was: 'I am, if Missouri is willing.' The means by which persons procured admission into the council was, by going to the door the sentinel would then present himself. The person applying would say 'Kansas,' accenting the last syllable. The person would then advance to the centre of the room and salute the colonel, by placing his right hand just above his forehead. The regalia was this: The private members wore a black ribbon tied upon their shirt-bosoms; the colonel wore a red sash; the lieutenant-colonel a green sash; the major a blue sash; the captains white sashes; the lieutenants yellow sashes; the orderly sergeant a very broad black ribbon upon the shirt-bosom. Col. Lane then remarked to me that I had been made acquainted with the principles of the institution, and that it was the determination of the free-State party not to submit to the laws of the legislature, or to any opposition that might come from Missouri or any other quarter. I remarked to the Colonel that I was sworn to support those laws in taking my oath as a lawyer, and that I considered that that oath was administered by a higher power than he exercised, and hence I should not keep the obligation he had given to me; and under no circumstances would I do anything to subvert the institutions of the country, or place myself in opposition to the laws; and he might depend upon it, I would expose it the first convenient opportunity. I also told him I could not consistently keep both obligations that had been imposed upon me; that I was also a member and minister of a religious denomination, and that it would not be consistent with my Christian duties to keep the obligation he had imposed on me; that I should most certainly, when the subject came up, expose it. He stated then to me, that if that was my determination, and I did express myself so publicly, I would hardly get away from the city with my life. I replied to him that I would express myself so under all circumstances, both in public and private."

It now being most fully shown, as the undersigned believes, that the anti-slavery party formed secret political organizations of a military character to resist, with force of arms, the execution of the laws of the Territory, and to defend themselves against any effort which might be made by officers to enforce obedience to the laws and authorities of the Territory; after preparing the minds of the people to embark in any measures, however reckless and desperate in their nature and characters, the primary objects of these seditions, secret associations were boldly developed at a convention held by the anti-slavery party at Big Springs on the 5th and 6th days of September, 1855. But, before proceeding further in relation to this convention, the undersigned deems it proper to remark, that after the legislative election in March, 1855, Governor Reeder issued his proclamation, convening the legislature at Pawnee city, upon the express understanding that if there were not sufficient accommodations there for the members and officers of the legislature, they could, strictly in accordance with the provisions of the organic act, adjourn to any other point in the Territory, and if they did so he would co-operate with them. In proof of this, reference is made to the testimony of the Rev. Thomas Johnson, a member of the council. The legislature consequently met at Pawnee city. They remained there but a short time, as they found no accommodations for the members and officers of the legislature, the great majority of them having to camp out and cook their own provisions, there not being boarding-houses in the place sufficient to receive and accommodate them. The cholera also broke out there, and several deaths occurred in consequence. The legislature then adopted a resolution adjourning to Shawnee Mission. It is evident that Pawnee city was not a suitable place for the convening of the legislature, because of the absence of all accommodations for members, as well as being 145 miles from the Missouri river, whence they derived chiefly their supplies for subsistence. The house in which they were convened had neither doors nor windows, and but a temporary floor.

While in session, however, at Pawnee, the governor recognised them as a legally constituted legislative body, as will be more fully shown by reference to his message to that body; but, after they removed to Shawnee Mission, he vetoed all the bills they passed, of every description, upon the ground that they were sitting then at a place not authorized by law—the only ground alleged.

Meanwhile, "The governor, instead of exercising constant vigilance, and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from his official obligations by other interests, and himself set the example of a violation of law in the performance of acts which [as it seems] rendered it the duty of the President of the United States, in the sequel, to remove him from the office of chief executive magistrate of the Territory."

The undersigned, in proof of the want of accommodations at Pawnee city, refers to the testimony of Rev. Thomas Johnson, member of the council, A. S. Johnson, Thomas Barbee, Wm. G. Matthias, and other

members of the legislature, as taken before a justice of the peace, and properly certified, which the undersigned begs to have considered a part of this report.

After the removal of Governor Reeder, chagrined as he evidently was, he is found an active member of the Big Springs convention, held on the 5th and 6th days of September; at which convention, as it is proven by the testimony of Marcus J. Parrott, a free-State man, and a member of the free-State legislature, taken before your committee, the following resolutions, drawn up in the hand-writing of Gov. Reeder, were adopted. They are taken by the undersigned from a certified copy of the proceedings of said convention, in evidence before your committee, and are as follows:

*"Resolved, That we owe no allegiance or obedience to the tyrannical enactments of this spurious legislature; that their laws have no validity or binding force upon the people of Kansas, and that every freeman amongst us is at full liberty, consistently with all his obligations as a citizen and a man, to defy and resist them, if he chooses to do so.*

*"Resolved, That we will resist them, primarily, by every peaceable and legal means within our power, until we can elect our own representatives, and sweep them from the statute-book; and that, as the majority of the supreme court have so far forgotten their official duty, have so far cast off the honor of the lawyer and the dignity of the judge, as to enter, clothed with the judicial ermine, into a partisan contest, and by an extrajudicial decision, given opinions in violation of all propriety, have prejudged our case before we could be heard, and have pledged themselves to these outlaws in advance to decide in their favor, we will, therefore, take measures to carry the question of the validity of these laws to a higher tribunal, where judges are unpledged and dispassionate, where the law will be administered in its purity, and where we can at least have the hearing before the decision.*

*"Resolved, That we cannot and will not quietly submit to surrender our great 'American birthright'—the elective franchise—which, first by violence, and then by chicanery, artifice, weak and wicked legislation, they have so effectually accomplished to deprive us of, and that we with scorn repudiate the 'election law,' so-called, and will not meet with them on the day they have appointed for the election, but will ourselves fix upon a day for the purpose of electing a delegate to Congress.*

*"Resolved, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a bloody issue, as soon as we ascertain that peaceful remedies shall fail and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory the organization and discipline of volunteer companies, and the procurement and preparation of arms."*

And, finally, as the natural result of the foregoing proceedings of the free-soil party in the Territory, the laws were violated, their execution openly resisted by them, till at length came the difficulties at Lawrence, in the fall of 1855, and after the Big Springs convention.

in regard to which, as the most reliable testimony taken by your committee, the undersigned begs to refer to the evidence of Governor Wilson Shannon, which is as follows: "That, as to the origin, progress, and conclusion of the difficulties at Lawrence last fall, (1855,) he begs leave to refer to his two despatches to the President of the United States, with the accompanying documents—the first dated on the 28th day of November, and the second on the 11th day of December, 1855—as containing what deponent believes to be a correct history and account of those transactions."

The following are the despatches and documents referred to by the witness:

EXECUTIVE OFFICE, SHAWNEE MISSION,  
*Kansas Territory, November 28, 1855.*

SIR: Affairs in this Territory are daily assuming a shape of real danger to the peace and good order of society. I am well satisfied that there exists in this Territory a secret military organization which has for its object, among other things, resistance to the laws by force.

Until within a few days past I have looked upon the threats of leading men and public papers who have placed themselves in an attitude of resistance to the laws, as not intended by those who made them to be carried into execution. I am now satisfied of the existence of this secret military organization, and that those engaged in it have been secretly supplied with arms and munitions of war, and that it is the object and purpose of this organization to resist the laws by force. The strength of this organization is variously estimated at from one to two thousand, but I have no satisfactory data from which to estimate its real strength, and I do not believe they can command for any given purpose more than one thousand men. They are said to be well supplied with Sharpe's rifles and revolvers, and that they are bound by an oath to assist and aid each other in the resistance of the laws when called upon so to do. Independent of the disclosures made by those who formerly belonged to this association and the hints thrown out in some of the public journals in their interest, the most practical proof of the truth of these allegations consists in their own acts. A few days since a difficulty took place in Douglas county, some ten miles south of Lawrence, between one of these men and a man by the name of Coleman, from Virginia, in relation to a claim; in which the former was shot and died immediately. Coleman was taken into custody for trial, by the sheriff of that county, and to avoid all ground of objection as to legal authority, Judge Lecompte was written to and requested to attend at the county seat (it being in his judicial district) and sit as an examiner of the court. In the mean time a large body of armed men, said to be from three to four hundred, collected at and near Lawrence for the avowed purpose of rescuing Coleman from the sheriff and executing him without a trial. Coleman claims that he shot the man strictly in self-defence, and is willing to abide a judicial investigation and trial. On Monday last a warrant was issued against one of this band of men for threatening the life of one of his neighbors, and placed in the hands of the sheriff of the county for execution, who, with a posse of some ten men, arrested him on Tuesday night, and as he was convey-

ing the prisoner to Leecompton, he was met about two o'clock in the morning by a band of these men, consisting of between forty and fifty, all armed with Sharpe's rifles and revolvers, who forcibly rescued the prisoner out of his hands, and openly proclaimed that there were no officers or law in this Territory. In the settlement in which these transactions took place there were from sixteen to twenty law and order families, and about one hundred free-soil families. At the last advices three of the houses of the former had been burnt down by this armed band.

Cattle had been killed, and a considerable amount of corn and other personal property destroyed, and the whole law and order population of that neighborhood, induced by terror, had fled, except two families, whose lives were threatened. Helpless women and children have been forced by fear and threats to flee from their homes, and seek shelter and protection in the State of Missouri. Measures were being taken by the legal authorities to procure warrants against these lawless men, and have them arrested and legally tried. Under these circumstances the sheriff of the county has called on me for three thousand men to aid him in the execution of the warrants in his hands, and to protect him and his prisoner from the violence of this armed force. The force required by the sheriff is far beyond what I believe to be necessary, and indeed far beyond what could be raised in this Territory. From five to eight hundred men will be amply sufficient, I have no doubt, to protect the sheriff, and enable him to execute the legal process in his hands. With the view of giving to the sheriff the requisite aid, I have issued orders to Major General Richardson, of the northern division of militia of this Territory—a prudent and discreet man—a copy of which I send you herewith. I also send you a copy of a request I have made of General Strickler, who resides in the adjoining county to Douglas. These are the only orders I have thought it necessary to issue, by means of which I believe a sufficient force will be raised to protect the sheriff, and enable him to execute the legal process in his hands.

The time has come when this armed band of men, who are seeking to subvert and render powerless the existing government, have to be met and the laws enforced against them, or submit to their lawless dominion. If the lives and property of unoffending citizens of this Territory cannot be protected by law, there is an end to practical government, and it becomes a useless formality.

The excitement along the border of Missouri is running wild, and nothing but the enforcement of the laws against these men will allay it. Since the disclosure of the existence and purposes of this secret military organization in this Territory, there has been much excitement along the borders of Missouri, but it has been held in check, heretofore, by assurances that the laws of the Territory would be enforced, and that protection would be given to the citizens against all unlawful acts of this association. This feeling and intense excitement can still be held in subordination if the laws are faithfully executed; otherwise there is no power here that can control this border excitement, and civil war is inevitable. This military organization is looked upon as hostile to all southern men, or rather to the law and

order party of the Territory, many of whom have relations and friends, and all have sympathizers, in Missouri, and the moment it is believed that the laws will not furnish adequate protection to this class of citizens against the lawless acts of this armed association, a force will be precipitated across the line to redress real and supposed wrongs inflicted on friends that cannot be controlled, or for the moment resisted. It is in vain to conceal the fact: we are standing on a volcano, the upheavings and agitations beneath we feel, and no one can tell the hour when an eruption may take place. Under existing circumstances the importance of sustaining the sheriff of Douglas county, and enabling him to execute his process, independent of other considerations connected with the peace and good order of society, will strike you at once; and to do this by the aid and assistance of the citizens of this Territory is the great object to be accomplished, to avoid the dreadful evils of civil war. I believe this can be done; in this, however, I may be mistaken. No efforts shall be wanting on my part to preserve good order in the Territory, and I will keep you constantly advised of the progress and state of things here.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

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HEADQUARTERS, SHAWNEE MISSION,

*Kansas Territory, November 27, 1855.*

SIR: Reliable information has reached me that an armed military force is now in Lawrence and that vicinity, in open rebellion against the laws of this Territory, and that they have determined that no process in the hands of the sheriff of that county shall be executed. I have received a letter from S. J. Jones, sheriff of Douglas county, informing me that he had arrested a man under a warrant placed in his hands, and while conveying him to Leecompton he was met by an armed force of some forty men, and that the prisoner was taken out of his custody, and open defiance bid to the law. I am also duly advised that an armed band of men have burnt a number of houses, destroyed personal property, and turned whole families out of doors in Douglas county. Warrants will be issued against those men, and placed in the hands of the sheriff of Douglas county for execution. He has written to me, demanding three thousand men to aid him in the execution of the process of the law and the preservation of peace.

You are, therefore, hereby ordered to collect together as large a force as you can in your division, and repair without delay to Leecompton, and report yourself to S. J. Jones, the sheriff of Douglas county, together with the number of your forces, and render to him all the aid and assistance in your power, if required in the execution of any legal process in his hands. The forces under your command are to be used for the sole purpose of aiding the sheriff in executing the law, and for no other purpose.

I have the honor to be, your obedient servant,

WILSON SHANNON

Major General WILLIAM P. RICHARDSON

HEADQUARTERS, SHAWNEE MISSION,  
*Kansas Territory, November 27, 1855.*

SIR: I am this moment advised, by letter from S. J. Jones, sheriff of Douglas county, that while conveying a prisoner to Leecompton, whom he has arrested by virtue of a peace warrant, he was met by a band of armed men, who took said prisoner forcibly out of his possession, and bid defiance to the execution of all law in this Territory. He has demanded of me three thousand men to aid him in the execution of the legal process in his hands. As the southern division of the militia of this Territory is not organized, I can only request you to collect together as large a force as you can, and at as early a day as practicable report yourself, with the forces you may raise, to S. J. Jones, sheriff of Douglas county, and to give him every assistance in your power, in the execution of the legal process in his hands. Whatever forces you may bring to his aid are to be used for the sole purpose of aiding the said sheriff in the execution of the law, and no other. It is expected that every good citizen will aid and assist the lawful authorities in the execution of the laws of the Territory and the preservation of good order.

Your obedient servant,

WILSON SHANNON.

General H. J. STRICKLER.

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EXECUTIVE OFFICE, SHAWNEE MISSION,  
*Kansas Territory, December 11, 1855.*

SIR: In my despatch to you of the 28th ultimo, I advised you of the threatened difficulties in relation to the execution of the laws of this Territory in Douglas county. The excitement which then existed continued to increase, owing to the aggravated reports from Lawrence and that vicinity in relation to the military preparations that were being made to attack the sheriff and resist the execution of the laws. The excitement increased and spread, not only throughout this whole Territory, but was worked up to the utmost point of intensity in the whole of the upper portion of Missouri. Armed men were seen rushing from all quarters towards Lawrence, some to defend the place, and others to demolish it. The orders I had issued to Major General Richardson and General Strickler had brought to the sheriff of Douglas county a very inadequate force for his protection, when compared with the forces in the town of Lawrence. Indeed, the militia of the Territory being wholly unorganized, no forces could be obtained except those who voluntarily tendered their aid to the sheriff, or to Generals Richardson and Strickler. The whole force in the Territory thus obtained did not amount to more than three or four hundred men, badly armed, and wholly unprepared to resist the forces in Lawrence, which amounted, at that time, to some six hundred men; all remarkably well armed with Sharpe's rifles and other weapons. These facts becoming known across the line, in the State of Missouri, large numbers of men from that State, in irregular bodies, rushed to the

county of Douglas, and many of them enrolled themselves in the sheriff's posse. In this state of affairs, I saw no way of avoiding a deadly conflict but to obtain the use of the United States forces at Fort Leavenworth, and with that view I addressed you a telegraphic despatch, and received on the 5th instant your very prompt and satisfactory reply of the 4th instant, a copy of which I immediately transmitted, by special despatch, to Colonel Sumner, with the request that he would accompany me with his command to the scene of difficulty. In reply, I was informed he would immediately do so, having no doubt that in due time proper instructions would be received from the War Department. Information, however, which I received from both parties, convinced me that my presence was necessary to avoid a conflict, and without waiting for Colonel Sumner, I repaired to the seat of threatened hostilities, at the same time advising Colonel Sumner, by special despatch, of this movement. On my way to Lawrence, I met a despatch from Colonel Sumner, informing me that, upon reflection, he had changed his determination, and that he would not march with his command until he had received orders from the proper department, but that he would be ready to move with his command the moment such orders came to hand. I proceeded as rapidly as possible to the camp of General Strickler, on the Wakarusa, six miles east of Lawrence, and arrived in camp about three o'clock on the morning of the sixth instant. I found that General Strickler, as well as General Richardson, had very judiciously adopted the policy of incorporating into their respective commands all the irregular forces that had arrived. This was done with the view of subjecting them to military orders and discipline, and to prevent any unlawful acts or outbreaks. The great danger to be apprehended was from an unauthorized attack on the town of Lawrence, which was being strongly fortified, and had about one thousand and fifty men, well armed, to defend it, with two pieces of artillery, while, on the other side, there was probably in all near two thousand men, many of them indifferently armed, but having a strong park of artillery. I found in the camp at Wakarusa a deep and settled feeling of hostility against the opposing forces in Lawrence, and apparently a fixed determination to attack that place and demolish it and the presses, and take possession of their arms. It seemed to be a universal opinion in the camp that there was no safety to the law and order party in the Territory while the other party were permitted to retain their Sharpe's rifles, an instrument used only for war purposes. After mingling with all the leading men in the Wakarusa camp, and urging on them the importance of avoiding a conflict of arms, that such a step would probably light the torch of civil war and endanger the very Union itself, I still found that there was a strong desire with all, and a fixed determination with many, to compel the forces in Lawrence to give up their arms. Believing that such a demand would lead to a conflict which, if once commenced, no one could tell where it would end, and seeing no way to avoid it except by the aid of the United States forces, I again wrote another communication to Colonel Sumner, and sent it to him by special despatch about three o'clock on the morning of the 7th instant, requesting his presence; a copy of which I send you herewith, marked E. I received no reply

until my return to this place, after the difficulty had been arranged. I send you a copy of this reply, marked F. Early on the morning of the 7th instant I repaired to the camp at Lawrence, and found them busily engaged in their fortifications and in drilling their forces, and had a full and satisfactory interview with the committee appointed by the forces in Lawrence, in relation to the impending difficulties. So far as the execution of the laws was concerned, we had no difficulty in coming to a satisfactory understanding. It was at once agreed that the laws of the Territory should have their regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that, in the mean time, no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when properly called on, to aid in the arrest of any one charged with their violation, and aid and assist in the preservation of the peace and good order of society; while, on my part, I gave them every assurance in my power that they should be protected in all their rights and defended against any unlawful aggressions. It is proper I should say, that they claimed that a large majority of them had always held and inculcated the same views. The assurances I received entirely satisfied me that no one against whom a writ had issued was then in Lawrence; that they had all fled, and that they were harboring, concealing, or defending no one against whom a writ had been issued, and that hereafter there would be no combined effort made to prevent the service of any process in the county of Douglas. This was entirely satisfactory, and all that had been desired. But to satisfy the forces that surrounded Lawrence, so that they could be induced to retire in order, was the great difficulty to be overcome. To issue an order to the sheriff to disband his *posse*, and to Generals Richardson and Strickler to disband their forces, would have been to let loose this large body of men, who would have been left without control to follow the impulse of their feelings, which evidently was to attack and disarm the people of Lawrence. Early on the morning of the 8th, through the influence of some leading men, I procured thirteen of the leading captains in the Wakarusa camp to be appointed a committee to confer with a committee from the Lawrence camp, to meet at Franklin, midway between the two hostile forces. I proceeded to the Lawrence camp, and returned to Franklin in the evening, with the committee, where the proposed interview took place. This interview, which lasted for some time, resulted in producing a better state of feeling, and the committee from the Wakarusa camp were satisfied to retire without doing anything more, and so reported to the army. This, with the active exertions of myself and others, produced a better feeling among the men, and by daylight on the morning of the 9th, I felt I could with safety order the forces to disband, and accordingly did so. They retired in order, and refrained from any act of violence, but it was evident there was a silent dissatisfaction at the course I had taken. But I felt conscious I was right, and that my course would be sanctioned alike by the dictates of humanity and sound policy. I returned to Lawrence on the 9th, and remained until the morning of the 10th, when, everything being quiet and safe, I returned to this

place. Everything is quiet now; but it is my duty to say to you, frankly, that I have forebodings as to the future. The militia or volunteer corps cannot be relied on to preserve the peace in these civil party contests, or where partisans are concerned. A call on the militia will generally only bring in conflict the two parties. I am satisfied that the only forces that can be used in this Territory in enforcing the laws, or preserving the peace, are those of the United States, and with this view I would suggest that the executive of this Territory be authorized to call on the forces of the United States when, in his judgment, the public peace and tranquillity, or the execution of the laws, may require their assistance. Should there be an outbreak, it will most probably be sudden, and before orders can be obtained from Washington the crisis will have passed. I send you herewith the copies of various affidavits, letters, &c., which will give you some information in detail touching the subject-matter of this despatch.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

UNITED STATES OF AMERICA, } ss.  
Territory of Kansas.

Be it remembered, that on this sixth day of December, in the year A. D. 1855, personally appeared before me, J. M. Burrell, one of the associate justices of the supreme court of the said Territory of Kansas, Harrison Buckley, of lawful age, who being by me duly sworn, saith that he is a citizen of the county of Douglas, and has resided therein since 30th day of March last, and has resided during all that time at Hickory Grove; that he was informed on good authority, and which he believed to be true, that Jacob Branson had threatened his life, both before and after the difficulty between Coleman and Dow, which led to the death of the latter. I understood that Branson swore that deponent should not breathe the pure air three minutes after I returned, this deponent at this time having gone down to Westport, in Missouri; that it was these threats, made in various shapes, that made this deponent really fear his life, and which induced him to make affidavit against the said Branson, and procure a peace warrant to issue, and be placed in the hands of the sheriff of Douglas county; that this deponent was with the said sheriff (S. J. Jones) at the time the said Branson was arrested, which took place about two or three o'clock in the morning; that Branson was in bed when he was arrested by said sheriff; that no pistol or other weapon was presented at the said Branson by any one; that after the arrest, and after the company with the sheriff had proceeded about five miles in the direction of Leecompton, the county seat of Douglas county, the said sheriff and his posse were set upon by about between thirty and forty men, who came out from behind a house, all armed with Sharpe's rifles, and presented their guns cocked, and called out who they were; and said Branson replied that they had got him a prisoner; and these armed men called on him to come away. Branson then went over on their side, and

sheriff Jones said they were doing something they would regret hereafter in resisting the laws; that he was sheriff of Douglas county, and, as such, had arrested Branson. These armed men replied that they had no laws, no sheriff, and no governor, and that they knew no laws but their guns. The sheriff, being overpowered, said to these men, that if they took him by force of arms he had no more to say, or something to that import, and then we rode off. This deponent further states that there have been three houses burned in the Hickory Point settlement; one was this deponent's house, another belonged to Josiah Hargis, and the third to said Coleman. All I had in the world was burned up, leaving my wife and children without clothing. This deponent's wife and four children fled to Missouri, where they still remain with their relatives. The house of deponent was burned down, as it is said, shortly before daylight in the morning. The wives and children of both Coleman and Hargis also fled to Missouri, where they still remain. There were about fifteen or sixteen law-abiding families in the settlement called the Hickory Grove settlement about the time these difficulties sprung up; they have all been forced by terror and threats of these armed men to flee with their wives and children to the State of Missouri for protection, and still remain there. These armed men have repeatedly in my presence said that they would resist the law by force, and there was no law in this Territory. These threats have been repeatedly made by these men for the last three months. And further this deponent saith not.

H. H. BUCKLEY.

Sworn and subscribed the day and year above stated, before me.

J. M. BURRELL,

*Associate Justice Supreme Court, Kansas Territory.*

UNITED STATES OF AMERICA, }  
Territory of Kansas. } ss.

Be it remembered, that on this 7th day of December, A. D. 1855, personally came before me, S. G. Cato, one of the associate justices of the supreme court of the Territory of Kansas, Josiah Hargis, of lawful age, who being by me duly sworn, depose and saith, that on or about the 26th of November, 1855, in Douglas county, sheriff Jones called upon me, with nine others, to act as a posse to arrest one Jacob Branson, under a peace warrant issued by Hugh Cameron, a justice of the peace; that he proceeded with said sheriff to Hickory Point, in said county, and there arrested said Branson, with whom they proceeded in the direction of Lawrence. When near a house on the Wakarusa an armed mob of persons, amounting to between thirty and forty, rushed from behind said house, and by force did rescue said Branson out of the hands of said sheriff and posse, and in defiance of said sheriff's command, take said Branson and refuse to deliver him to said sheriff. That the said sheriff told the said mob that he held said Branson under a peace warrant properly issued by a legally authorized officer; and that he was sheriff of said county of Douglas,

and charged with the execution of said writ. The leader of said mob replied to said officer that they knew him as Mr. Jones, but not as sheriff of Douglas county. He then told them that he would call out the militia to enforce the law. Their reply was that he could not get men to enforce said law. He told them then that he would call on the governor for assistance; to which the said mob replied that they had no laws and no officers, and to pitch in. Said mob stood with their guns cocked and presented at the time of said rescue.

This deponent further saith, one H. H. Buckley, of said county of Douglas, was with said sheriff at the time of said rescue, as one of said sheriff's posse; that during the same night on which said rescue was made, said affiant saw a light in the direction of said Buckley's house, and that he fully believes said house was at that time burned. That he believes, from circumstances within his knowledge, that said house, together with his own, was burned by persons concerned with said mob; and that he has reason to believe that some of said houses were fired by said Branson aforesaid, assisted by a German, commonly called Dutch Charley; and they were counselled and advised thereto by one Farley. This affiant further says, that at the time of the rescue of said prisoner he was at a house near Hickory Point, and that he there saw three women, who told him that there had been an armed force that day who notified them to leave, and all other pro-slavery families in the neighborhood; and since, said families have left said neighborhood and fled to the State of Missouri. Said affiant says that he believes there were at that time in said neighborhood about fifteen pro-slavery families, nearly all of whom have fled, as aforesaid, to the State of Missouri, for protection. Said armed force was represented to consist of from one hundred to one hundred and fifty armed men.

S. N. HARGIS.

Sworn and subscribed before me.

S. G. CATO,  
*Associate Justice of Kansas Territory.*

In relation to events which have transpired since the appointment of your committee, the majority of your committee use this language: "Your committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment." The undersigned begs to say, that the majority of your committee did, however, take testimony as to events which "transpired since the date of their appointment." They admitted to record the testimony of Pardee Butler, as to his being tarred and cottoned at Atchison, and that of others touching other events, all happening after the date of their arrival in Kansas Territory, and consequently after that of their appointment. Having admitted testimony as to some events of the kind, it was but justice to all parties that counter testimony, relating to those as well as other events of the same kind, should be admitted. And thus the undersigned thought, when the counsel of General Whitfield sought to introduce evidence as to the Pottawatomie Creek murders, and other outrages. Having established a precedent, it was inconsistent for the majority of your

committee to refuse to take such testimony upon the ground that they had no "power," and that it was not their "duty" to investigate occurrences that "transpired since the date of their appointment." They exercised such a "power," and in part fulfilled such a "duty," when they took testimony prejudicial to the pro-slavery party; but when testimony unfavorable to the free-State party was sought to be introduced, it was then, and not till then, that the majority of your committee concluded that it was not within "their power or duty to take testimony as to events which transpired since the date of their appointment." But the majority of your committee extricated themselves from the dilemma in which they had, in this regard, placed themselves, by expunging testimony favorable to the free-State party side—testimony already received in relation to alleged violence shown to Pardee Butler and others, so that they could consistently refuse to admit testimony as to outrages committed by the free-State people, which in savage barbarity and demoniac cruelty have scarcely an equal in the history of civilized man. But, notwithstanding that the majority deemed it without their "power or duty" to investigate matters occurring since the time of their appointment, they have reported, and in their report dwelt with much warmth of expression upon, events which they admit "transpired since the date of their appointment"—events for which they do not claim to have a shadow of authority for their truth except vague rumor, and for which in fact there is none as yet shown; and the testimony in regard to at least one of which events they had expunged from the record, to wit, the tarring and cottoning of Pardee Butler. The undersigned is of the opinion, that if the majority of your committee are justified in reporting and dwelling upon occurrences for the truth of which they offer no proof, he is equally, if not much more strongly justified, in reporting and dwelling upon occurrences for the proof of which he has sworn testimony. The majority of your committee having presented, in their report, scarcely anything but what is favorable to the abolition party in Kansas and prejudicial to the law and order party, the undersigned deems it a duty, no less to the House than to the country and the cause of truth, to give some facts on the other side favorable to the other party in Kansas, so that in presenting both sides, the world may have a fair chance to get at the truth, and arrive at a just conclusion. The minority of your committee (the majority having alluded, in their report, to events as to which they refused to take testimony) has fortunately been furnished with sworn testimony to which he desires to refer, and which he considers important to lay before the House and the public. First in order of time are the murders committed on the night of the 24th of May, 1856, on Pottawatomie creek. In this massacre, it is known that five persons were killed in one night, viz: Allen Wilkinson, William Sherman, William P. Doyle, father, and William and Drury Doyle, sons. The undersigned begs leave to refer to various affidavits which he appends to and makes a part of his report.

Allen Wilkinson was a member of the Kansas legislature—a quiet, inoffensive man. His widow, Louisa Jane Wilkinson, testifies, that on the night of the 24th of May last, between the hours of midnight

and day-break, she thinks, a party of men came to the house where they were residing and forcibly carried her husband away; that they took him in the name of the "Northern Army," and that next morning he was found about 150 yards from the house, dead. Mrs. Wilkinson was very ill at the time with measles. Here follows an extract from her affidavit: "I begged them to let Mr. Wilkinson stay with me, saying that I was sick and helpless, and could not stay by myself. My husband also asked them to let him stay with me until he could get some one to wait on me; told them that he would not run off, but would be there the next day, or whenever called for; the old man who seemed to be in command looked at me, and then around at the children, and replied, 'you have neighbors.' I said, 'so I have, but they are not here, and I cannot go for them.' The old man replied, 'it matters not,' and told him to get ready. My husband wanted to put on his boots, and get ready, so as to be protected from the damp and night air, but they would not let him. They then took my husband away. \* \* \* After they were gone I thought I heard my husband's voice in complaint. \* \* \* Next morning Mr. Wilkinson's body was found about 150 yards from the house, in some dead brush. A lady, who saw my husband's body, said that there was a gash in his head and his side. Others said that he was cut in the throat twice." Mr. Wilkinson was a poor man, and of course his widow was left destitute; but, regardless of this fact, they took away some property, including the only horse they had. Mrs. Wilkinson was presented at Westport, Missouri, with the necessary means to go to her father's in Tennessee. She has two small children. Mrs. Wilkinson's description of the leader of the men who murdered her husband suits Captain John Brown, a well known character in the abolition party. She says that her husband was a quiet man, and was not engaged in arresting or disturbing anybody. He took no active part in the pro-slavery cause, so as to aggravate the abolitionists; but he was a pro-slavery man.

The circumstances attending William Sherman's assassination are testified to by Mr. James Harris, of Franklin county, Kansas. Mr. Sherman was staying over night at the house of Harris, when, on the night of the 24th of May, about two o'clock, Captain John Brown and party came there, and after taking some property and questioning Harris and others, Sherman was asked to walk out. Mr. Harris, in his affidavit, says: "Old man Brown asked Mr. Sherman to go out with him, and Sherman then went out with Brown. I heard nothing more for about fifteen minutes. Two of the 'Northern Army,' as they styled themselves, staid with us until we heard a cap burst, and then these two men left. Next morning, about ten o'clock, I found William Sherman dead in the creek near my house. I was looking for him; as he had not come back, I thought he had been murdered. I took Mr. William Sherman (body) out of the creek and examined it. Mrs. Whiteman was with me. Sherman's skull was split open in two places, and some of his brains were washed out by the water; a large hole was cut in his breast, and his left hand was cut off, except a little piece of skin on one side."

In relation to the assassination of James P. Doyle and sons, the

affidavit of Mrs. Mahala Doyle, the widowed mother, was procured. William Doyle, one of the murdered, was twenty-two years of age; Drury Doyle, the other, was twenty years of age. Mrs. Doyle was left very poor, with four children—one of them only eight years old—to support. Mrs. Doyle testifies: "That a party of armed men came to her house about 11 o'clock, she thinks, on the night of the 24th of May; they first inquired where Mr. Wilkinson lived, and then made Mr. Doyle open his door, and went into the house, saying they were from the 'Army of the North,' and asking them to surrender." Says Mrs. Doyle: "They first took my husband out of the house, then they took two of my sons—the two eldest, William and Drury—out, and then took my husband and the two boys away. My son John (sixteen years old) was spared because I asked them, in tears, to spare him. In a short time afterwards I heard the report of pistols—two reports; after which I heard moaning, as if a person was dying; then I heard a wild whoop. \* \* \* I went out next morning in search of them, and found my husband and William, my son, lying dead in the road, near together, about two hundred yards from the house. They were buried the next day. On the day of the burying I saw the dead body of my son Drury. Fear for myself and the remaining children induced me to leave the home which we had been living at, and I went to the State of Missouri."

The testimony of John Doyle goes to corroborate that of his mother. Here follows an extract: "I found my father and one brother (William) lying dead in the road, about two hundred yards from the house. I saw my other brother lying dead on the ground, about one hundred and fifty yards from the house, in the grass, near a ravine. His fingers were cut off; his head was cut open; there was a hole in his breast. William's head was cut open, and a hole was in his jaw, as though it was made by a knife, and a hole was also in his side. My father was shot in the forehead and stabbed in the breast. I have talked often with northern men and eastern men in the Territory, and these men talked exactly like eastern men and northern men talk—that is, their language and pronunciation were similar to those of eastern and northern men with whom I had talked. An old man commanded the party; he was of dark complexion, and his face was slim. My father and brothers were pro-slavery men, and belonged to the *law and order party*."

There seems to be little or no doubt that a certain notorious leader of the free-State party (as they call themselves) in Kansas, whose name it is not here deemed proper to give, was at the head of the party engaged in this fiendish massacre. Mr. Harris testifies that one John Brown, one of the leaders of the free-State party, was engaged in the killing of Sherman, and it will hardly be doubted that they who murdered Sherman also killed the rest—all being murdered on the same night and in the same neighborhood. Those who were killed, it is testified, were pro-slavery people; and the undersigned has no hesitation in saying that these ill-fated men were deprived of their lives, and their wives and children made widows and orphans, in consequence of the insurrectionary movements instigated and set on foot by the reckless leaders of the Topeka convention.

Next in order are the outrages committed on the property of Morton Bourn and that of J. M. Bernard. The affidavit of Mr. Bourn shows that, on the night of Wednesday, the 28th day of May, 1856, a party of abolitionists entered his house forcibly, threatened to take his life if he did not leave the Territory immediately; took all the money he had, which they said they wanted to carry on the war. They also took guns, saddles, and horses, and then robbed his store of various articles. Mr. Bourn, on oath, says: "I own slaves, and have a crop of corn and wheat growing. Have never taken any active part with the pro-slavery party, only voted the pro-slavery ticket, and was for sustaining the laws. \* \* \* These men said I must leave in a day or two or they would kill me, or hinted as much—said I would not fare well, or words to that effect. I left for fear of my life and the lives of my family. They said that the war was commenced, that they were going to fight it out, and drive the pro-slavery people out of the Territory, or words to that amount. The men that robbed my house and drove me away from my property were abolitionists, or free-soilers. \* \* \* I believe they hated me so because I am a pro-slavery man, and in favor of the Territorial laws, and because I served on the last grand jury at Leecompton."

But the most flagrant case of robbery that occurred while your committee were in Kansas was the plundering of Mr. Joab Bernard's store and premises. Mr. Bernard is quite a young man, and of highly respectable family. While prosecuting his business, he was warned that his life was in danger, and was compelled to leave his home for safety; and during his absence his store was robbed of nearly four thousand dollars' worth of goods and money, and his premises of cattle and horses of the value of at least one thousand more. The facts of this case are testified to by Messrs. John Miller and Thomas S. Hamilton. Mr. Bernard testifies himself as to his life being threatened, and the amount of goods in his store and other property on the premises. Messrs. Miller and Hamilton corroborate his testimony, and the undersigned makes their depositions a part of his report. St. Bernard, J. M. Bernard's place, is situated in Douglas county, on the California and Fort Scott road, about thirty miles from Leecompton. The robbery took place on the 27th day of May, 1856. In his affidavit, Mr. Miller says: "I was in the store with Mr. Davis. Whilst there a party of thirteen men came to the store on horseback, armed with Sharpe's rifles, revolvers, and bowie-knives. They inquired for Mr. Bernard. I told them that he had gone to Westport. One of them said to me, 'You are telling a God damned lie,' and drew up his gun at me. Some of them came into the store, and the rest remained outside. They called for such goods as they wanted, and made Mr. Davis and myself hand them out, and said if we 'didn't hurry' they would shoot us. They had their guns ready. After they had got the goods—they wanted principally blankets and clothing—they packed them upon their horses and went away. Mr. Joab Bernard is a pro-slavery man." Mr. Miller recognised one of the party as an active free-State man. They on the next day came back with a wagon, and took the remainder of the goods in the store, except about one hundred and fifty dollars' worth—including flour, sugar, coffee, bacon,

and all kinds of provisions, as well as two fine horses, three saddles, two bridles, and all the money there was in the store. In the conclusion of his affidavit, Mr. Miller says: "When they first came, they looked up at the sign, and said they would like to shoot at the name." The affidavits accompanying this report are full and explanatory, and the undersigned begs to make them a part of his report. They are sworn to before a justice of the peace for Jackson county, Missouri, and the seal of the Jackson county court is attached to the clerk's certificate, as to the official character of the justice of the peace. The undersigned thinks that, in reviewing these outrages, he did not inappropriately characterize the Pottawatomie creek murders as instances of "savage barbarity and demoniac cruelty," while the robberies of Bourn and Bernard are almost without parallel in the history of crime in this country. In this connexion, the undersigned deems it proper to state that the report so currently circulated throughout the country, to the effect that the lamented Wilkinson, Sherman, and the Doyles were caught in the act of hanging a free-State man, and were shot by a party of free-soilers, is without the least foundation in truth—that it is entirely false.

In conclusion, the undersigned begs to report the following facts and conclusions, as he believes, established by the testimony and sanctioned by the law:

First. That at the first election held in the Territory under the organic act, for delegate to Congress, Gen. John W. Whitfield received a plurality of the legal votes cast, and was duly elected such delegate, as stated in the majority report.

Second. That the Territorial legislature was a legally constituted body, and had power to pass valid laws, and their enactments are therefore valid.

Third. That these laws, when appealed to, have been used for the protection of life, liberty and property, and for the maintenance of law and order in the Territory.

Fourth. That the election under which the sitting delegate, John W. Whitfield, was held, was in pursuance of valid law, and should be regarded as a valid election.

Fifth. That as said Whitfield, at said election, received a large number of legal votes without opposition, he was duly elected as a delegate to this body, and is entitled to a seat on this floor as such.

Sixth. That the election under which the contesting delegate, Andrew H. Reeder, claims his seat, was not held under any law, but in contemptuous disregard of all law; and that it should only be regarded as the expression of a band of malcontents and revolutionists, and consequently should be wholly disregarded by the House.

Seventh. As to whether or not Andrew H. Reeder received a greater number of votes of resident citizens on the 9th, than J. W. Whitfield did on the 1st of October, 1855, no testimony was taken by the committee, so far as the undersigned knows, nor is it material to the issue.

All of which is respectfully submitted.

M. OLIVER.

[no. 23]  
THE SPURIOUS KANSAS MEMORIAL.

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DEBATE

*U.S. 34<sup>th</sup> Cong., 1st sess., 1855-56. Senate*

IN THE

SENATE OF THE UNITED STATES,

ON THE

MEMORIAL OF JAMES H. LANE,

PRAYING

THAT THE SENATE RECEIVE AND GRANT THE PRAYER

OF THE

MEMORIAL PRESENTED BY GENERAL CASS, AND AFTERWARDS WITHDRAWN;

EMBRACING

THE SPEECHES OF SENATORS DOUGLAS, PUGH, BUTLER, TOUCEY, RUSK, &c.

## THE SPURIOUS KANSAS MEMORIAL.

*Debate in the Senate, April 14, 1856, on the memorial of JAMES H. LANE, praying that the Senate receive and grant the prayer of the memorial presented by General CASS, and afterwards withdrawn, embracing the speeches of Senators DOUGLAS, PUGH, BUTLER, TOUCEY, RUSK, &c.*

The debate was opened by Mr. HARLAN, who presented the memorial of Colonel LANE, and proceeded to pass a high eulogium upon him for his services as a politician and a soldier. After detailing Colonel LANE's services, Mr. HARLAN proceeded :

But, Mr. President, I desire to remind the democracy of the country, so ably represented on this floor, who had conferred on him so many distinguished honors, that when he came to his own his own knew him not. They seemed to have entirely forgotten his distinguished services in days of yore. It was not remembered with sufficient vividness to be a voucher for his personal honesty. The honorable senator from Louisiana (Mr. BENJAMIN) said of the paper which he presented to the Senate of the United States, in the name of the members of the Senate and House of Representatives :

"I believe, upon the face of this petition and upon scrutinizing its statements and the signatures which are attached to it, that it is an impudent forgery, attempted to be palmed off upon the Senate of the United States through the hands of the venerable senator from Michigan. I do not believe this to be the petition of the men from whom it purports to emanate. I want to know how this petition got here under such circumstances as to call for such observations as it has elicited from all sides of the house."

But no one answers. No one knows. No one seems to remember who James H. Lane is. The honorable senator from Connecticut, (Mr. TOUCEY,) who, I believe, was a member of the cabinet organized by Mr. Polk, whose election was aided very materially by the stump speeches of Mr. Lane, does not seem to know who he is. The honorable senator from Ohio, (Mr. PUGH,) his companion in arms, too, seems to have forgotten him.

Mr. PUGH. Mr. President, I desire that the Senator from Iowa shall not misrepresent me. I made no remark whatever, not a syllable, in reference to the gentleman who brought this petition here. I abstained carefully from anything of the sort, and the senator will so find in the report of my remarks.

Mr. HARLAN. If the remark which I made does misrepresent the honorable senator from Ohio, no one will more gladly stand corrected than myself.

Mr. TOUCEY. I beg leave to correct the senator.

Mr. HARLAN. I think, if honorable senators will suffer me to proceed, they will find that I do not differ with them as to what they did state.

Mr. TOUCEY. I did not say one word in regard to Colonel Lane. I did not allude to him.

Mr. HARLAN. It is this death-like silence [laughter] that, I suppose, caused the honorable senator from South Carolina to inquire of the Senate who was the bearer of the petition. All his friends had forgotten him. The honorable senator from South Carolina asked, Who is this James H. Lane? He told us he did not know him. The honorable senator from Ohio made no response.

Mr. PUGH. I heard no such question. If the Senator himself, or any one else, had asked me who was Colonel Lane, I should have given all the information in my power; and if the senator desires me to give it, I will do so now.

Mr. HARLAN. Fortunately now, by reference to the records and the history of the country, I am tolerably well posted up. If the information had been given on Thursday last it would have been very acceptable.

Mr. PUGH. Then the senator does not wish to hear from me.

Mr. BUTLER. I never mentioned Lane's name.

Mr. HARLAN. By reference to the printed speech of the honorable senator from South Carolina, he will find that he propounded the question, How did this petition get here? and

he told us that he did not know. The honorable senator from Michigan, too, who presented the petition, was unable to answer the question. It seemed just at that time that his memory was oblivious, and that he had forgotten the author of the letter addressed to himself at Paris, dictated and drawn up, I believe, by this James H. Lane.

Mr. CASS. Does the senator mean to say that I made any allusion to him at all?

Mr. HARLAN. I meant to say that the question of the honorable senator from South Carolina was not answered by any one of these honorable senators.

Mr. CASS. Allow me to say one word to the gentleman. He assumes that a question was put which was not answered. Why, sir, you have no right to require every man to get up here and answer every question put in that way. If a senator, in the course of his remarks, says that a fact is not so, am I bound to contradict it? You may allude to what a senator himself says, but you can draw no inference from his failure to notice or answer a question that is not addressed to him; there is no ethics in that.

Mr. BUTLER. I do not intend to detain the Senate by making any reply to the senator from Iowa—very far from it; but I do not wish the senator from Iowa to make an issue for me which he cannot understand.

Mr. HARLAN. Will the honorable senator state his remark again.

Mr. BUTLER. I say that I do not wish you again, as you have attempted heretofore, to make an issue for me before the country which you cannot understand.

The *gravamen* of my argument against the printing of this memorial last week was that the motion to print it was in violation of a rule of the Senate. Why do I say it was a violation of the rules of the Senate? Because it came in here with the intrusive title marked upon it that it was a paper that was presented by the senators and representatives of the State of Kansas. I did ask the question who has presented this petition that can be invested with any of the attributes or the dignity of senators or representatives of Kansas, when we knew there was no such State? That is the way in which I stated my proposition. I did not allude to Colonel Lane. I do not know that the mere person was in my mind. I asked officially who was it that presented it here—in what capacity; and how did it get to the Senate of the United States? Did it come here through the straight gate, or over the wall, or under it? That is what I said, and I confine myself always to the proposition before the Senate. The gentleman, I have no doubt, is very willing to take a great advantage of the fact that sometimes I illustrate the few remarks which I make by some allusion to the *Iliad*. I did not know before that Lane was the hero of Buena Vista. I have no doubt hereafter this oration will be put in verse and will be called the *Lanead*. [Laughter.]

The *gravamen* of my proposition was as I have stated; and I now state that the rule requires every petition coming to the Senate of the United States to have signatures attached to it. My friend from Illinois will take care of that. I have used the word *gravamen*. I hope the gentleman will forgive me, for I understand about as much of Latin as he does of English. [Laughter.]

Mr. DOUGLAS. Mr. President, I propose to raise the question of the reception of this memorial, and to give the reasons why it ought not to be received. Colonel Lane now presents a paper here in his own name, claiming to be entitled to a seat in the Senate of the United States from the State of Kansas, and sets forth in the memorial—

Mr. HARLAN. I hope the honorable senator will allow me to state the proposition. He claims to be entitled to a seat on this floor from the State of Kansas when that State shall have been received into the Union.

Mr. DOUGLAS. He puts the form of expression in that way to avoid the objection which was taken to the memorial the other day, purporting to be from the senators and representatives of the legislature of the State of Kansas. It shows clearly that it is an evasion to change the phraseology, and yet affirm his right to a seat in this body. He makes it an individual memorial, and then annexes to it the obnoxious paper which was rejected by the Senate the other day. Inasmuch as he annexes that paper, and makes it a part of his memorial, it is liable to all the objections which were urged to that, together with others of a still more serious character.

Now, sir, what is the explanation which he gives for having presented the paper the other day, through the senator from Michigan, with a declaration that it was a memorial from the members of that legislature then in session? The excuse is, that the paper then presented was copied from an original memorial reported to the legislature of the self-styled State of Kansas from a committee by Mr. Hutchinson, its chairman, and which was first adopted, and then referred to a committee of revision. This fact is verified by the oath of Colonel Lane, drawn in language so equivocal and evasive as to raise a doubt in regard to the fairness of the explanation. His oath is, that that paper was drawn up and adopted, and was referred to a committee of revision, from which the present revised copy is taken. By whom was it taken? I will show you that it is a totally different document, and not a true or even substantial copy of the one which he alleges was adopted in Kansas.

Here I may be permitted to remark that I do not see what connexion it has with the genuineness of the paper to prove that Colonel Lane was in the Mexican war. I do not see the force of that fact to elucidate the point in dispute. Great pains have also been taken here to prove that this could not have been a fraud, because Colonel Lane was a democrat! I admit that is a pretty fair presumption. I admit there is great weight in that position.

The senator from Iowa also assumes that this could not have been a fraud because Colonel

Lane voted for the Nebraska bill. That fact, too, ought to have its full weight in his favor, and may raise the presumption that he is an honest man, and incapable of perpetrating a fraud upon the Senate.

But are these satisfactory proofs on the point in dispute? I have known men to claim to be democrats before who had about as good a title and as good a record as Colonel Lane. I suppose that Mr. Francis P. Blair could prove a good record during the lifetime of General Jackson, and a volume could be written to show his services and his devotion to the democratic cause. But if you will trace his history a little further, you will find him president of a black republican convention at Pittsburg. In the face of that fact, would you deem it fair to quote him as a democrat at the present time? I suppose that one Andrew Jackson Donelson could show a record representing him as private secretary to the old hero, with the false claim put forth by his new friends that he was entitled to claim the honors of an adopted son. He, too, is a candidate for the vice presidency of the United States on the know-nothing ticket! Does this fact prove that he is a democrat now?

I suppose it will not be denied by his new political associates that Colonel Lane now is as essentially identified with the black republican party as Mr. Blair himself is, or as Mr. Donelson is with the know-nothing party. Is the mere fact that they once belonged to the democratic party conclusive evidence that they could not have done anything wrong since their apostasy? Is there so much virtue in democratic associations that it protects a man's reputation from all injurious imputations after having fallen from grace? I admit the virtue so long as they are faithful to democratic principles, but I deny that they have a right to claim, as a saving grace, sufficient to exculpate them for subsequent sins that they were once democrats, and apostacized from the true faith. That, sir, is all I have to say of the democracy of Colonel Lane, and all that class of modern politicians whose chief claim to popular favor consists in the fact that they were once democrats, and have betrayed those who have reposed confidence in them and heaped honors on them.

I have to deal with this paper as I find it. Now, is the paper which was presented the other day a copy, or not, of the paper now presented as the original? The first three pages of the original are not to be found at all in the paper presented by the senator from Michigan. I will read some portions of those three pages. On the second page will be found this paragraph:

"The Constitution of the United States guaranties to every State a republican form of government, and delegates to Congress no power to establish any laws over any State, except such as are national, and affect the States alike for the common good. The people of any Territory or State, over whom the Constitution extends, although not admitted into the Union as a sovereign State, have reserved to themselves the same inherent and inalienable rights as belonged to the people of the several States of the Union. The Constitution declares that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. Therefore, since the Constitution delegates to Congress no power to establish a government over the new Territories, the same inherent rights are reserved to the people of a Territory over which the Constitution extends, as are reserved to the people of the several original States."

Thus the memorial, which, as it is said, was adopted by the Kansas legislature, declared their right to form a State constitution because the Nebraska bill was unconstitutional; because, being unconstitutional, it was a nullity; because there were no constituted authorities in the Territory; because Congress had no power over them; and hence they would not submit to the power of Congress. That is the ground on which this memorial adopted by the Kansas legislature puts their case. It is the very point asserted in the majority report, and denied by the senator from Vermont (Mr. COLLAMER) in the minority report—the very point in controversy between us and our opponents. Colonel Lane comes hero standing on the revolutionary right, with a memorial that denies the power of Congress, and defies its authority; he finds his friends backing out, saying that it is not their position; and then he sits down and makes what he calls a copy, and omits that fundamental principle on which their whole action rested. It is not an immaterial point. It is not a mere surplussage as pretended. It is striking at the fundamental principle upon which they rest all their action. It is a change in a vital part of the memorial, for the purpose of avoiding the issue which the majority of the Committee on Territories had made with the minority, for the purpose of avoiding the weight of the blows under which the defenders of this rebellion were staggering and tottering, until they found that they could not maintain their position.

In order to enable them to change the position in which they had been beaten in argument, somebody took their own memorial and struck out the very ground on which they justified their whole action, and brought forward a different thing altogether, as a justification of their conduct. I submit whether this does not make it a totally different document, affirming entirely different principles, in order to place their action in a totally different light. The Kansas legislature, in the original document, said they justified their acts because Congress had no power over them. The memorial came in the other day recognizing the power of Congress. I ask, then, if it is not a forgery, thus to change the document in the most vitally important point upon which the whole proceeding rests? I do not say by whom the forgery was committed—I care not. The taint runs through this whole proceeding, and the affidavit does not cure or remedy it. Here are other parts of this original memorial, which were

omitted or expressed in the paper presented the other day, purporting to be a memorial signed by all the members of this bogus legislature :

"By the provisions of the organic act a government was established over the Territory, and officers were appointed by the President to administer said government. This form of government is unknown to the Constitution, is extra-constitutional, and is only the creature of necessity awaiting the action of the people, and cannot remain in force contrary to the will of the people living under it. It may be regarded as a benevolent provision on the part of Congress thus to provide a government for a sparsely settled people, too few in numbers to support a government of their own ; but when it becomes oppressive, or when the people become sufficiently strong to establish a government of their own, in accordance with the Constitution of the United States, it is their right so to do and thereby throw off that extended over them."

Here their revolutionary right is again asserted to throw off the government established over them by Congress. Here they again affirm the precise position taken by the Committee on Territories, and denied by their advocates here. In running through the whole document, you find that every passage that would tend to sustain the argument of the majority of the committee and to controvert the positions of the minority, is stricken out. This shows that the plan of campaign on that side of the House has been changed since this memorial was got up. The mode of defence here has been changed ; and official documents must be garbled and modified, added to or subtracted from, in order to conform to that change of policy.

Why, sir, to show what free use has been made with the sacred right of petition of these people of Kansas, I will refer to another fact. It had been contended in argument, in the minority report, that the Arkansas case was a case in point to justify Kansas, because Mr. Attorney General Butler there said that the territorial legislature could give no authority for forming a State constitution without the consent of Congress. They took the same position in this report, stating the Arkansas case as interpreted by the minority of the committee ; but when I, in my first speech, showed that, in the same opinion, Mr. Butler had said that unless the proceeding was had in subordination to the territorial government, it was revolutionary and criminal, this memorial was changed, in order to avoid the force of my exposure, by obliterating the passage, striking out all reference to the Arkansas case.

I can take up this memorial and show that, as I have exposed one honesty after another of their pretensions, they took the pen and ran through this memorial to get rid of the objection. It has been changed from time to time in material points, striking out and inserting, until it has hardly a vestige of its original form. The very comparison which is here challenged between the pretended copy, presented the other day, and the original now, proves conclusively that such is the case. I then submit whether here was not evidence of the most glaring fraud ever attempted to be perpetrated upon a legislative body. After that fraud has been once detected and exposed, the question is whether a second one is to be perpetrated upon us by taking the same spurious document and attaching it to a memorial and thus dragging it into the Senate.

Again, the original memorial does not pretend that the legislature was in session. Take the copy which they brought here the other day, and you find interlined the words, "now in session." I can show you the different handwritings in which various interlineations have been made from time to time.

Further, the memorial, as presented to us the other day, had the signatures of all the members of the legislature attached to it. Look at the original here ; it has no signatures at all ; and there is no certificate that it was adopted in either house ; no mode of authentication, and no date. How do they account for that ? By saying that a committee of revision was appointed to revise the memorial, and that the members left three copies of their names to be appended. It is pretended that the committee revised the paper, and delivered it to Colonel Lane and Governor Robinson without any signatures to it ; and that they brought it to Washington and revised it again, and changed it into its present shape, ready for appending the signatures, when it was discovered that they had lost them ! And then, because they had lost them, they sat down and wrote the names of the members of the legislature, and attached them to the new document which they had thus manufactured. How did they get the names ? Why, they find a memorandum book, belonging to Colonel Lane, which he exhibits to the Senate, but is not willing that we should read, because it contains private matters !

Why exhibit the book unless we are permitted to examine it ? Of what use is it to us to see the outside of the book if he will not let us see the inside, and read the writing in it ? Does this contain authority to him to change the memorial and sign their names to it ? This is not pretended. Why this formality of shaking in our faces a memorandum-book containing these names ? He says they are original signatures. That may be, but we have no curiosity to see the autographs of these illustrious legislators, unless they are signed to the memorial. Their names in the memorandum-book are of no authority unless it contains a power of attorney to Mr. Lane to make a memorial for them. No such authority is pretended !

Then we find that there is no authentication of this document, except the affidavit of Mr. Lane, made this day, and sworn to before Judge McLean of the Supreme Court. I will read the affidavit :

"DISTRICT OF COLUMBIA,

"County and City of Washington, ss :

"Personally appeared before the undersigned, duly authorized by law to administer oaths, James H. Lane, Senator elect from Kansas"—

—he swears in that capacity—not as an individual—

"who, being duly sworn, upon his oath, states: that the twenty-four half sheets of paper hereunto annexed contain the original draft of the memorial from the members of the general assembly of Kansas, which convened at Topeka on the 4th of March last, to the Congress of the United States as reported to the said assembly by John Hutchinson, esq., chairman of the committee appointed to draft said memorial; as adopted by both branches of said assembly; as referred to the committee on revision, and intrusted by said committee to this affiant, and from which the revised copy was prepared which was submitted to the Senate of the United States by General Cass, and which was the subject of remark on Thursday last."

Dated Washington city, the 14th day of April, 1856.

J. H. LANE.

Sworn and subscribed before me this 14th day of April, 1856.

JOHN McLEAN,

Justice Supreme Court United States.

"From which it was prepared!" By whom "prepared?" Not by that revising committee, for his memorial shows that it was prepared in the city of Washington. The paper on which it is written shows that it is paper of the House of Representatives—entirely different from that on which the original was written, and which could not have been had in Kansas.

I submit, then, Mr. President, whether we ought to receive the memorial at all, with these badges of fraud running through every line of it. I object to its reception, and hope that the Senate will wash its hands of this spurious paper, and of all proceedings that are connected with it.

Mr. WADE said he saw nothing wrong in the conduct of Colonel Lane. His affidavit explained the matter satisfactorily. He says the original paper was prepared by the legislature that convened at Topeka just as they adjourned. They had no time to draw it up and prepare it with all the particularity of language with which they would be glad to clothe their ideas. Conscious of this, and having entire confidence in certain gentlemen of the legislature, they referred it to them, and entrusted them with a discretionary power to alter it, so far as they thought it might be altered without altering the sense.

Mr. PUGH. Mr. President, I agree with my colleague (Mr. WADE) that whether we receive this document or reject it can have no influence upon the decision of the questions relating to the Territory of Kansas. I do not rise to speak with that view, but I must complain of the senator from Iowa (Mr. HARLAN) for the language and the tone which he has employed toward me.

When one of these papers was before the Senate on Thursday last, I desired to be rid of the discussion raised upon it, and, as the record will show, voted to proceed to the consideration of the orders of the day, and allow the subject to remain where the decision of the chair left it. But when I saw upon the other side of the chamber a resolution to force us into the debate of very serious questions, when I discovered the purpose of certain gentlemen to raise a controversy upon the right of petition, to invent a collateral and colorable issue for the sake of adding to the disputes which already agitate the nation, I felt bound to give the paper a careful and deliberate examination. I stated the results of my examination to the Senate. I said that the petition and its signatures were written by one hand; no senator denies that. I said there were important interlineations in the document, such as changed its sense to some extent; that is not denied. I said there were erasures in it, not merely of words, not merely of sentences, but of whole paragraphs, as if the person who had it in charge, after listening to our discussion here, had abandoned some propositions as untenable, and altered the petition accordingly. I said that whenever the original should be produced, if there was any original, it would be time enough to decide upon my course. For having said that, sir, the senator from Iowa has arraigned me this morning in the course of his reiterated discussion of the general subject.

I should think the senator ought to be satisfied. When a proposition was made to print extra copies of the documents submitted to us by the President of the United States, in order that the country might be informed on these questions from Kansas, that, instead of irresponsible paragraphs in the newspapers, appeals to passion and to prejudice, our common constituents—the constituents of that senator as well as my constituents—might see the original and authentic reports transmitted to the Senate by the executive head of the government—when that proposition was made, senator after senator on the other side claimed the right to be heard, and thus postponed any discussion. The question has not yet been taken, sir, although a period of more than two months has elapsed. The senator from Iowa gave us notice that he desired to return home, and asked the privilege of being heard on the subject, as an act of courtesy. His request was granted, and he addressed the Senate for several hours.

Mr. HARLAN. I think the senator, on reflection, will find that he is mistaken. He

makes a mistake when he says that I stated to the Senate that I intended to return home, and gave that as a reason. The gentleman must be thinking of some other senator.

Mr. PUGH. Sir, I appeal to the record. When two reports were made from the Committee on Territories, and senators on the other side challenged us to allow the reports to be printed together, and thus sent before the country, I moved that a certain number of copies should be so printed; and the motion went to the Committee on Printing, under the rules. I then stated that, by this system of debating immaterial motions, we had been prevented from printing extra copies of the President's Kansas message, and urged the Senate to decide the question at once, and agree to proceed with the discussion upon the bill of which the committee had given notice. I was answered by the senator from New York, (Mr. SEWARD,) that the senator from Iowa claimed the floor upon the motion to print the President's special message, and that he wished to be heard. Accordingly, sir, the motion was laid over from day to day, from week to week, until the senator had made his speech. I missed him then from the chamber, and supposed that he had gone home.

Now, sir, there are some others of us who feel bound, by the emergencies of our position, to express the opinions which we entertain with reference to these Kansas troubles. I desire, at a proper time, to express my opinions; but I do protest that when a senator has been heard, hour after hour, upon the question, he ought not, on the mere presentation of a memorial, to obstruct the progress of business in the Senate by repeating his speech; and especially should he avoid calling in question the conduct or the motives of other Senators.

Mr. President, I made no reflection upon the gentleman who brought this paper here—none. I did not feel bound to give the Senate his biography; I did not know it. I knew that he was once a citizen of the State which you represent; I knew that he had been promoted to important offices by the nomination of the democratic party in your State; but I have heard, whether it be true or not, that, four or five months ago, in the Territory of Kansas, he publicly expressed a full adhesion to the republican party and platform. He is not the first man who has enjoyed the confidence of the democratic party, and then abandoned us for some other political organization. But I tell the senator from Iowa this: Whenever a man joins the republican party (so called) he is a democrat no more; and the sooner he parts with that title the better for himself and for all concerned.

Now, sir, the question is upon the reception of another pretended memorial. It is produced here as the original of the petition which we rejected on Thursday last, and, as I understand, in compliance with a demand then made for the original. Is it anything of the sort? What senator so pretends? It is not the same petition in any conceivable sense. It does not resemble the other in beginning or in conclusion. Shall we, then, receive this paper? That is the question. To the other paper, I have said, all the signatures were subscribed by one hand. This has an advantage; there are no signatures to it, and no attestation. Whence it comes, sir, we know not, except from the assertions of senators, and from the affidavit which I shall now read:

"DISTRICT OF COLUMBIA,

"County and city of Washington, ss:

"Personally appeared before the undersigned, duly authorized by law to administer oaths, James H. Lane, senator elect from Kansas, who, being duly sworn, upon his oath, states: that the twenty-four half sheets of paper hereto annexed contain the original draft of the memorial from the members of the general assembly of Kansas, which convened at Topeka on the 4th March last, to the Congress of the United States, as reported to the said assembly by John Hutchinson, esq., chairman of the committee appointed to draft said memorial; as adopted by both branches of said assembly; as referred to the committee on revision, and intrusted by said committee to this affiant, and from which the revised copy was prepared which was submitted to the Senate of the United States by General Cass, and which was the subject of remark on Thursday last.

"Dated Washington city, the 14th day of April, 1856.

"J. H. LANE.

"Sworn and subscribed before me this 14th of April, 1856.

"JOHN McLEAN,

"Justice Supreme Court United States."

I doubt whether Judge McLean has authority to administer such an oath; but let that pass. Now, Mr. President, what does the affidavit declare? Is this the memorial of the general assembly, so called, of the State of Kansas? No, sir; by Colonel Lane's own statement, it is not. This is the mere draft, adopted by a committee, and read to the so called legislature. That body, we are told, has agreed to it in substance, but never has ordered it to be engrossed and signed. Neither the members nor the officers, in fact, ever affixed their signatures. They gave it no sort of authentication.

What did the members of the self-styled legislature direct? They referred it to another committee for revision, intending that it should be put into shape before its final adoption and signature; but this committee of revision, instead of performing the duty enjoined—instead of revising the memorial, and reporting it to the legislature, so called, for consideration, has given the paper to Colonel James H. Lane, and devolved on him, not a member of the legislature at all, the duty and the authority of revision. That is what Colonel Lane here

affirms, and that, I presume, is the case. The committee of revision never reported the memorial. The draft of it was handed to Colonel Lane, and Colonel Lane has revised it. He assumes to be the spokesman for all these provisional legislators. They have only to swear in his words, and follow in his footsteps; whatever he chooses to say, I suppose, they are to be considered as having indorsed, upon faith, beforehand. Yet, sir, we are told that this is the memorial of men acting themselves in a delegated and representative character; speaking for others who have confided in their special discretion—of men assembled in the high capacity of a State legislature!

Mr. President, if it were not for the great question which is behind—if it were not for the agitation which now prevails in all quarters of the Union—if no terrible controversy, political and sectional, had arisen—there is not a senator in this chamber who would vote to receive this paper—not one. It is an imperfect undertaking at best. If the self-styled general assembly of Kansas should ever hold another session—if the members can succeed in escaping grand juries, and indictments, marshals, and writs, and the issues of solemn judicial investigation, and then assemble for the transaction of business—it may be that this document will be reported regularly from the committee on revision, and authenticated as well as adopted in due form. When such an event shall have happened—if happen it possibly can—and the memorial is again presented here for our consideration, I will decide what becomes me as a senator toward the petitioners and the country at large.

Now, sir, as we have heard so much lately about the right of petition, let us see how far this paper conforms to the rules established in ancient times, and written down for our instruction. I read from one of the Secretary's books, "Laws, Privileges, Proceedings, and Usages of Parliament," page 303:

"The petition should be written upon parchment or paper, for a printed or lithographed petition will not be received; and at least one signature should be upon the same sheet or skin upon which the petition is written. It must be in the English language, or accompanied with a translation which the member who presents it states to be correct; it must be free from interlineations and erasures; it must be signed; it must have original signatures or marks, and not copies from the original, nor signatures of agents on behalf of others; and it must not have letters, nor affidavits, or other documents annexed. Petitions of corporations aggregate should be under their common seal. To these rules another may be added, that, if the chairman of a public meeting signs a petition on behalf of those assembled, it is only received as the petition of the individual, and is so entered on the journals, because the signature of one party for others cannot be recognized.

"It may be a useful caution to state that any forgery or fraud in the preparation of petitions, or in the signatures attached, will be punished as a breach of privilege. By a resolution of the House of Commons, 2d of June, 1774, it was declared:

"That it is highly unwarrantable, and a breach of the privilege of this House, for any person to set the name of any other person to any petition to be presented to this House."

"And there have been frequent instances in which such irregularities have been discovered and punished."

That is the English rule. We are not quite so strict in the United States. Here is what Mr. Jefferson says:

"Petitions must be subscribed by the petitioners, unless they are attending, or unable to sign, and avowed by a member. But a petition not subscribed, but which the member presenting it affirmed to be all in the handwriting of the petitioner, and his name written in the beginning, was on a question (March 14, 1800) received by the Senate. The averment of a member, or of somebody without doors, that they know the handwriting of the petitioners, is necessary, if it be questioned."

I do not ask even this strictness. I simply ask that the paper should express the sentiments of the persons from whom it purports to emanate, in their own language, or in language which they have considered and adopted.

I do not agree that these men, whether you call them a legislature, or by some other title, can depute Colonel Lane to put the recital of their grievances into form. I do not agree to receive any paper from him at all, unless it be his own petition, in his individual character, and upon his responsibility as a citizen.

But, sir, this is not the only objection. I find another rule worthy of notice, on page 304 of the book which I first quoted:

"The language of a petition should be respectful and temperate, and free from offensive imputations upon the character and conduct of parliament, or the courts of justice, or other tribunal, or constituted authority. It may not allude to debates in either house of parliament, nor to intended motions."

Now, Mr. President, I wish to call the attention of the Senate to a few paragraphs in this paper:

"The undersigned have witnessed, with astonishment and deep regret, the coarse insinuation on the character and conduct of the people of Kansas contained in the recent special message of the President of the United States."

Again, sir, on a subsequent page :

"Toleration of such outrages is but an enslavement of the people of Kansas, and a breach of faith, and a dereliction of duty on the part of the Federal Executive."

Mr. President, whatever my relations to a citizen so eminent as he must be who is exalted to the office of Chief Magistrate—if I were ever so much opposed to him in political sentiment—I could not vote to receive any petition which thus reflected upon his character and motives. What right have we to receive such a petition? This, sir, is not the House by which the President can be impeached. This is the House which must try the President whenever he has been impeached; and shall we permit any accuser, except the House of Representatives, to drag him before us? Shall we dignify or affirm charges of so gross a character, in advance of any trial, in advance of any impeachment, by enjoining on our committees the duty which attends the reference of a petition? Sir, the grossest act of usurpation ever practiced in this body, as I believe, was when President Jackson was condemned by resolution without a trial. I will not agree—knowing that among the duties devolved on me, in virtue of my official oath, is that of delivering judgment upon the Chief Magistrate whenever he shall have been properly arraigned—I will not agree that Colonel Lane and his associates shall assume the office and authority of the grand inquest of the nation, which now sits at the other end of the Capitol.

I told the Senator from Iowa, when he first referred to me by name, that I had not made any charge or insinuation against the character of Colonel Lane. I did not think it necessary to the maintenance of my position. I make no charges now. I cannot imagine what we have to do with that gentleman. I do not see the propriety of thrusting his praises into this discussion. The senator from Iowa has related his biography at great length, his public services, and his partisan services, and then appeals to me, in a sneering manner, as his companion in arms, his political confederate, and what not, that I was under some obligation to support Colonel Lane's pretensions or endorse his behavior. I violated my duty, forsooth, because I did not answer some general question propounded by my honorable friend from South Carolina, (Mr. BUTLER,) which I did not hear, and which I told the Senator from Iowa distinctly I did not hear. Besides, sir, I agree with my honorable and distinguished friend from Michigan, (Mr. CASS,) that I was under no obligations to answer a rhetorical question, general in its character, if I had heard it. I have other duties here and other tastes than to rehearse the biography of individuals, living or dead, at the mere solicitation of a senator. I am not one of Colonel Lane's witnesses. He has not asked me to be his witness; he has not asked me to present any of his papers; he has not asked me to give a recital of his services, his sufferings, or his sacrifices; and, indeed, the senator from Iowa has dispensed with the necessity of all that.

My colleague says that the citizens of Ohio feel a deep interest in the affairs of Kansas Territory. I believe that is true; I believe the citizens of every State in the Union feel such an interest. He declares, furthermore, that it shall be a part of his duty to extend a special protection over those who have emigrated from the State of Ohio into the Territory of Kansas, and established their residence in it. Sir, I disclaim such duty, for my part. I disclaim all charge over them, or partisanship for them, except as they are citizens of the United States, and entitled to the protection of the Constitution and the laws. There sits before me, sir, a gentleman who once held a prominent position in the State which I have the honor to represent, but who has since become a citizen of the State of California, (Mr. WELLER,) and she has showered honors upon him. I should like to know if my colleague imagines that he and I are to exercise guardianship over the honorable senator from California? Those men who emigrated from Ohio to Kansas have gone from his care and mine. They abandoned our State and all allegiance to it. They are no longer citizens of Ohio in any sense. And whenever the State, by any of her authorities—her legislature, her governor, or either of her senators—shall assume to dictate for the Territory of Kansas, upon such a pretence as that, it will be an act of unwarrantable and inexcusable usurpation.

I understand, perhaps, to what my colleague alludes. I know the fact—he knows it—others know it—that the gentleman who now holds the chief executive office in Ohio has addressed a message to the general assembly of the State upon the subject of Kansas affairs—advising that the State should intervene, in its sovereign capacity, for the settlement of certain controversies between the territorial legislature upon the one side, and the insurgents at Lawrence upon the other. It was a proposition to engage the State in rebellion and civil war. Thereupon, sir, one member of the legislature—a representative of the county, perhaps, in which my colleague resides—introduced a resolution that five regiments of soldiers should be enlisted and sent to Kansas for the purpose of waging a war upon the territorial authorities.

I am happy to inform the Senate, however, that the proposition was not adopted. Yet the legislature has passed resolutions which, in my judgment, are almost as objectionable—resolutions which indicate, as do some of their statutes, the design of urging our citizens to a choice, finally, between their allegiance to the Union and their allegiance to the State government. The resolutions will be presented here, I suppose, in a few days. Sir, it is this intervention from abroad in the affairs of Kansas Territory—intervention by States, by municipal and private corporations, by organized bands of factions and parties, by the arms of

throughout the republic an anxiety, and horrible fear and distrust for the perpetuity of the Union. I give my colleague notice, once for all, that I engage in no such enterprises; that I shall resist them, here and elsewhere, with whatever zeal and ability God has bestowed on me. In their true character, as citizens of the United States inhabiting the Territory—citizens who have gone thither, in good faith, to enjoy the protection of the Constitution under the guarantees of the organic law—all who have emigrated from Ohio, and all who have emigrated from other States, are entitled to whatever attention and respect for their wishes—whatever redress for their grievances—it may be in my power to grant. But, sir, I will not take upon myself, directly or indirectly, the regulation of domestic affairs or local institutions for the Territory further than to restore peace and silence rebellion, to maintain the supremacy of the laws, to protect every individual—high and low, rich and poor—from all outrages and all oppression.

Mr. HALE thought the true question was not as to the reception of the memorial for the admission of Kansas, but the reception of Colonel Lane's petition for redress of a grievance growing out of imputations cast upon his character.

Mr. PUGH. I appeal to the candor of the senator from New Hampshire, while he has that document in his hand. The prayer was as I stated, that the Senate would receive the former memorial. That is the prayer of the petition. The senator from New Hampshire says that if we refuse that prayer, we refuse this gentlemen an opportunity of explanation. I say again, that if Colonel Lane presents a petition here, stating that he considers himself injured or aggrieved by the language of the senator from Virginia—which is a matter with which I have no concern—I will vote to receive the paper; but, if he only uses his own memorial as the machinery by which he brings these papers again before the Senate, I shall not vote to receive it.

Mr. DOUGLAS. As I trust this is the last time that the question of the genuineness of these papers will be presented, I have another point to which I wish to call the attention of senators. The agents of this mock legislature presented to the honorable senator from Michigan, and got him to present to the Senate, the constitution of this pretended State of Kansas. I have kept my eye on the history of that document, and the proceedings connected with it; and it is well known to the country that there was a clause adopted by a separate vote of the people, and made a part of that constitution, making it a duty of the legislature never to permit negroes (free or slave) to enter the State of Kansas—a provision similar to the one in the constitutions of Illinois and Indiana, and some other States, which have been so severely condemned and denounced by those who have become the special champions of Kansas. Look into the constitution, as they furnish it, and as the senator from Michigan has presented it here, and you will find that clause is suppressed; that important, material provision is not to be found in the document which they bring here. I know, from the history of the transaction, that it was voted in by a majority of the persons who voted for the adoption of the Kansas constitution. Am I mistaken? I ask, was it not adopted at the same election at which the constitution of the pretended State of Kansas was adopted, as a part of the constitution?

Mr. WILSON. If the senator will allow me I will answer, by saying that it was not to be a part of the constitution. Such a vote was given in Kansas, but not making it a part of the constitution of the State.

Mr. DOUGLAS. There was a separate vote upon it.

Mr. SEWARD. Mr. President—

Mr. DOUGLAS. I will hear the senator from New York.

Mr. SEWARD. It is no favor to me; but I hope the honorable senator likes to be right.

Mr. DOUGLAS. I do.

Mr. SEWARD. I beg to tell the honorable senator that I speak of no knowledge of my own; but Colonel Lane, senator elect from that State, leaned over, as the senator from Illinois was making his statement, and gave me his account of the transaction; which was, that this provision, such as the honorable senator from Illinois describes, was submitted to the people for their consideration and approval or rejection, by a provision which directed that it should not be a part of the constitution, but should be in the nature of instructions to the first legislature of the State of Kansas. That is all of it.

Mr. DOUGLAS. Now we come to the point. It is admitted that such a provision was submitted to the voters at the same election with the constitution, and was adopted as an instruction to the legislature, commanding them to pass such a law. Hence it was adopted in precisely the same way that a similar provision was adopted in Illinois, and was in like manner submitted to the people as a distinct provision, to be voted on separately, and when ratified become a part of the constitution. But the senator from New York says this was not to be a part of the constitution! Such is not my recollection of the provision. I do not believe that the provision did declare that it was not to be a part of the constitution as stated by Colonel Lane. I deny his statement, and call for the production of the instrument. It will show, when produced, that that was a part of the constitution, as well as an instruction. What does he mean by an instruction to the legislature? Was it not adopted as a part of the supreme law of the land? He admits that it was. He tells us that it was an instruction to the legislature, and hence binding on them. What is that called which instructs the legislature, and commands certain things to be done, and forbids others to be done? Do we not call it a constitution? What is the constitution, unless it be the supreme law of the land

adopted by the people to instruct and control the action of the legislature? This provision was adopted as an instruction to the legislature; it was submitted at the same time, and adopted at the same election, with the other portions of the constitution; it has the same validity and binding force over the legislature as any other clause of the constitution; it will become the supreme law of the land whenever Kansas shall be admitted into the Union with that constitution.

You might as well deny that any other provision of that instrument is a part of the constitution, as to deny that this is a part of the constitution, when you admit that it is the supreme law of the land, binding on the legislature the moment Kansas shall be admitted with the Topeka constitution. I care not by what name you call it, so long as you admit that it is obligatory on the legislature. Call it a constitution; call it a fundamental law; call it the supreme law; call it an instruction; call it what you please—the name does not change its substance, so long as you admit that it compels the legislature to keep the negroes out, and not allow them to live or breathe in Kansas. You cannot avoid the force of my argument by calling a provision of the supreme law by a different name. The point I make is that you have presented here a paper purporting to contain the supreme law of Kansas, omitting and suppressing at least one material provision of that supreme law. You profess to have presented the whole of the supreme law, while you have withheld a part of it. You withheld the part which you dare not defend! I drove the senator from New York to the wall on this point the other day. After various attempts to evade the point, he acknowledged that he did not approve and would not defend the provision. He cannot destroy its validity by calling it an instruction, or by any other name. If his bill passes to admit Kansas with her Topeka constitution, that provision will become the supreme law of the land. The only way he can avoid that result is to vote against his own bill.

Call the provision by what name you will, you cannot escape the responsibility of having suppressed a material provision of the supreme law, which was formed at Topeka for the government of the proposed State of Kansas. The criminality of the act is not extenuated by the fact that the provision thus suppressed was one which you dare not attempt to justify. All these attempts at evasion and equivocation are calculated to raise the presumption that the act of suppression was premeditated and fraudulent on the part of those who felt an interest in concealing from the public a provision which they were not willing to defend, at the same time that they were endeavoring to put it in force and give it vitality, by admitting Kansas with the Topeka constitution.

I have a right to call on those who brought the constitution here to produce the provision which has been suppressed. We have a right to know whether any other provisions, instructing the legislature to pass particular laws, have been suppressed. It is not an unusual thing, in making a constitution, to submit particular clauses or provisions to the people separately. When we adopted the new constitution in Illinois in 1847, two provisions were thus submitted to the decision of the people, and both adopted—the one like this in Kansas to exclude negroes from the State, and the other to impose a tax for the payment of the State debt, which should be irrepealable so long as any portion of the debt should remain unpaid.

These provisions, like the one in Kansas, when adopted, became perpetual instructions to the legislature, and hence are held to be essential parts of the constitution, or supreme law of the land. They can no more be erased or suppressed than any other or every other part of the constitution. No member of the legislature is at liberty to violate or disregard either of these instructions, as the senator from New York now calls them, than he is to violate or disregard every other portion of the constitution. I am informed that the new constitution of New York contains several provisions or instructions which were submitted and adopted by the people separately. I do not know how the fact is; the senator from New York will correct me if I am in error upon that point. Will the senator from New York contend that he has a right to evade or suppress those provisions in the constitution of his own State, upon the plea that they were adopted by the people separately, and intended as perpetual instructions to the legislature?

This excuse will not be satisfactory to any fair-minded man. The pretext is too flimsy to deceive anybody. The fact can no longer be concealed, that an imperfect and incomplete copy of the constitution of the State of Kansas (so called) has been palmed off on the Senate; that a material portion of it has been suppressed—a portion so material and vital that the champions of the Topeka movement dare not defend it, and hence have an interest in suppressing it. I call upon them to produce the original document without any mutilations. Let us have it complete as it came from the hands of those who made it. We have been imposed upon sufficiently by garbled and mutilated papers. Let there be an end of this system of fraud. Let the truth, and the whole truth, be laid before the Senate and the country, and let our action be based on the facts as they really and truly exist.

Mr. WADE. I do not propose to detain the Senate long, but I certainly cannot sit here and permit any senator to look me in the face and talk to our side of the chamber as having suppressed papers. It is an imputation of motives which should not be permitted in the Senate.

First of all, the senator from Illinois assumes to know a great deal more about the constitution of Kansas than those who made it; and he asks for proof. I demand the proof from the senator from Illinois. On what does he found the statement that such a clause was incor-

porated into the constitution of Kansas? Where is his evidence of it? They who helped to make it are here to negative all that he says upon that subject; and it hangs upon his ~~ipse dixit~~ merely, unsupported by any proof whatever. Standing upon that frail foundation, he turns round and charges that one side of this chamber has suppressed something for the purpose of committing a fraud on the Senate.

Mr. DOUGLAS. Does the senator from Ohio say that there is any man here claiming to be an honest man, or a decent man, who denies that the convention which framed the constitution of Kansas submitted a separate provision to keep negroes out, which was to have the force of instruction binding on the legislature, and that that was adopted by the people of Kansas? Is that denied?

Mr. WADE. Mr. President, it is perfectly well known on what I found my statement, and the gentleman shall not evade the issue in that way. I demand the proof of you, sir, for what you state. On what authority, and on what evidence do you charge that there ever was such a clause in the constitution of Kansas? You have heard from a senator on this floor that Mr. Lane has stated that there is no such thing.

Mr. DOUGLAS. I will state my evidence. In the first place, I have talked with Governor Reeder, and he told me so. In the next place, I have talked with General Whitfield, and he told me so. In the next place, I spoke to Colonel Lane on the subject the other night at my house, and he told me so. In the next place, I charged it on the senator from New York the other day, and he admitted the fact. In the next place, no man ever did deny it before, and the senator from Ohio now will not deny that such a separate provision was submitted and adopted as instruction to the legislature, whether you call it constitution or ordinance; that there was such a provision submitted separately, to be voted on by the people, and that if a majority was in its favor, and the constitution was adopted, it should become binding on the legislature, the senator from Ohio will not now deny. Will he?

Mr. WADE. Mr. President, the explanation is a very long and a very roundabout one. The senator says he has conversed with a great many people; but that is very loose evidence to prove what a constitution contains. He says the constitution of Kansas provides so and so, and he has talked with divers gentlemen whose character he stands here to impeach. In one breath he says he does not believe a word they say, and accuses them, perhaps, of perjury; but in the next breath he comes forward and says that their testimony is sufficient to establish a clause in the constitution.

Mr. DOUGLAS. I hardly ever knew a judge to refuse to receive the plea of guilty from a murderer or a thief when he asks to enter it.

Mr. JONES, of Tennessee. Mr. President, I do not propose to take any part in this debate; but I think I can correct the position which was assumed by the senator from New Hampshire. He changes the tactics of this fight a little by assuming that we are not called upon to-day to receive the memorial coming from the self-styled legislature of Kansas, but that we are simply to act on the reception of the memorial of an individual citizen who feels himself aggrieved by the action of the Senate. If this were the real position of the question, I might possibly vote to receive his memorial; but there is no such separation between the two as the senator from New Hampshire assumes. They are presented as parts of the same thing; and if you receive the one you necessarily receive the other. If you receive the petition of Mr. Lane you not only receive the memorial which was withdrawn and sent out of the Senate the other day, but you receive another paper, which he is pleased to term the original; and from which the document presented to the senator from Michigan purports to be an extract or an identical copy. Let me read from Mr. Lane's memorial:

"Herewith, and as part of this memorial, is appended the original draft, authenticated, of the memorial referred to, as reported by the chairman of the committee, Mr. Hutchinson; adopted by the general assembly; referred to the committee on revision; entrusted to your memorialist, and from which the revised copy which was submitted to your honorable body was prepared."

No man can doubt for a single moment that the original is a part of this memorial. The memorialist states it in terms. He says "herewith, and as part of this memorial, is appended the original draft," which I now hold in my hand. Then what becomes of the other draft, which he says is a fair transcript of the original, being a part of his memorial? You have to receive that if you receive his. He says:

"With this explanation and exhibit, which your memorialist trusts will be satisfactory, he, on behalf of the provisional legislative bodies of Kansas, prays you to receive again the memorial with which he is charged by them, being the one which was submitted by General Cass, and grant the prayer therein expressed, to admit Kansas into the Union with her present constitution, on an equal footing with the other States."

Now, I submit to the senator from New Hampshire himself, and to every man, if we receive the one paper, do we not receive the others at the same time? He sets it out here, and prays you to receive it. He says the original is part of his memorial. He sends the transcript, and asks you to receive it, and grant the prayer therein contained. If you receive the one I think you are bound to receive all.

Mr. TOUCEY. Mr. President, I think that the device which is resorted to in order to introduce again the petition which was rejected on Thursday last, is not, the least extraordinary thing that has been done in reference to this subject. A memorial was presented which, by an almost unanimous vote of the Senate, was virtually rejected; and after that vote of the

Senate the memorial was withdrawn by the honorable senator who presented it. Now, if I understand, a private gentleman has made a written request that we shall receive that memorial and grant its prayer. Suppose this device should succeed, and a memorial should be presented here to-day, and rejected unanimously, and any gentleman to-morrow, outside, should present a written request to the Senate that it would receive that memorial and grant its prayer. According to the argument on the other side of the house the Senate is bound to receive it. If it is received and referred to the committee, what is the question before the committee? Is it whether that memorial shall be received? It is a part of the petition now presented. It is a part of the prayer of that petition that Kansas may be admitted as a free State.

Why, sir, it is a mere evasion of the decision of the Senate by an almost unanimous vote. What does Colonel Lane ask the Senate to do? Is it anything more or less than to grant the prayer of his petition, the substance of which is, that, upon receiving this pretended memorial from the so called State of Kansas, we shall admit Kansas as a free State? It is not the memorial of the State of Kansas, or of the Territory of Kansas. If it were, I should be entirely opposed to it, because it assumes that Kansas is a State, and is ready to be admitted into the Union, when the fact is not so.

Sir, senators on the other side of the chamber feel oppressed by this question. When the so called constitution of Kansas is presented here, they say it is a provisional constitution. On looking at it, however, you find there is not a syllable in it making it a provisional constitution. On its face it purports to be adopted by the people of the State of Kansas. The convention ordered it to be submitted to the people, and they say it has been submitted to the people and adopted by them. They ordered the pretended legislature elected under it to assemble on a particular day. They did assemble. Now, I say, that when gentlemen on the other side of the chamber contend that this is a provisional constitution, it is their own language only. The instrument itself is absolute and purports to overturn the existing government. It is in defiance of the law of Congress; in defiance of the constituted authorities of the Territory; and upon its face is insurrection and rebellion against the existing government. I should on that ground object entirely to this petition; but as to treating it as the petition of Colonel Lane, that he may ask that the memorial which we have rejected may be received and its prayer granted, I say, it would be a mere evasion of the decision which the Senate made on Thursday, when the question was fully considered.

Mr. WILSON said a separate proposition was submitted to the people of Kansas, whether free negroes ought to be admitted into the State or not; but if adopted, it was not to be a part of the constitution, but was to operate as instructions to the first legislature. He was opposed to such a provision in any State. We consider it anti-democratic, unchristian, and inhuman, a violation of the Declaration of Independence and the Constitution of the United States. He said he and his friends were against the extension of slavery, but not in favor of interfering with it in the States. He complained of the use of the terms black republican and abolitionist. Mr. WILSON said he should vote for the reception of the memorial. It was imperfectly drawn, because the legislature at Topeka were in haste, and they authorized Colonel Lane to revise and modify it, and he had done so; and that was the whole case. He was proud that the men who stood by Andrew Jackson and the doctrines proclaimed in the Senate on the Michigan question by Silas Wright, by James Buchanan, and by the chiefs of the democracy, are now acting with him in regard to Kansas. He referred to the statement in some of the papers that General Atchison had demanded of Mr. DOUGLAS to introduce a clause into the Nebraska bill repealing the Missouri restriction. He alluded, also, to the remark of Mr. DOUGLAS about "subduing us." He said his friends might be voted down but not subdued; they would live to fight another day.

Mr. DOUGLAS.

"He who fights and runs away  
May live to fight another day."

Mr. WILSON. We shall not run away to live; we shall live to run away. He proceeded to boast of the progress of abolitionism within the last quarter of a century, and predicted that his friends would yet have a majority in the Senate, in the House, and would elect one of their class to the Presidency.

Mr. DOUGLAS. Mr. President, I regret that the senator from Massachusetts (Mr. Wilson) should so far have forgotten what was due to the proprieties of the Senate, as to have quoted a vile slander from the columns of a filthy newspaper, published in New York, whose editor is known only as a disgrace to humanity for his mendacity and blackguardism, and becomes responsible for it by its repetition here. He has represented me as having said, in debate, to those who differ with me on the other side of the chamber, "we will subdue you;" in the sense that we were going to subdue by force all opponents who differed with us in opinion on the slavery question. Every man here knows, and the published debate shows, that I was speaking of the rebellion in Kansas, and the attempts to put the Constitution and laws at defiance, when I said we will reduce you to subjection to the Constitution and laws. That is what I said then, and what I am prepared to repeat here and everywhere, now and at all times. If there is any disposition to take issue on what I did say, let those who choose to try the experiment commit the overt acts of treason or rebellion, and I say to them now, we will reduce you to subjection to the Constitution and laws. I was vindicating the great principles to which my life has been devoted—that the Constitution must be respected and

obeyed in all its parts, as the supreme law of the land; that the supremacy of the laws must be maintained; that treason must be rebuked, and rebellion crushed, and all lawless men subdued and reduced into subjection to the Constitution and laws. This is what I did say. No man who heard me has any excuse to represent me otherwise.

I am aware that what I did say on that occasion, as what I do and say from day to day, is purposely misrepresented and sent abroad to be repeated in all the abolition papers for partisan advantage. The author of that falsehood has published what purports to be an abstract of the bill which I reported from the Committee on Territories to enable the people of Kansas to form a constitution and State government when they have the requisite population, which abstract contains a falsehood in every line, with no one provision of the bill truly stated. I am not in the habit of noticing these misrepresentations, and should not do so now but for the fact that they are repeated by a senator in my presence. I wish senators would quote me as I speak, and not as their organs elsewhere may choose to report me.

The senator complains that I designate those composing the party with which he acts, Black Republicans. I will tell the gentleman why I used the term. It is necessary to have some distinguishing name for political parties. Some years ago, when I first came into public life, there was a National Republican party in the country, and my first political speeches were in opposition to the National Republicans. In the course of events new questions came up, and that title was changed to the name of Whig. Since the dismemberment of the Whig party, that portion of its adherents who have abandoned its principles and become Abolitionists, have formed a coalition or fusion with all the other isms of the day, under the name of the "REPUBLICAN PARTY." They no longer claim to be national men, and hence drop the word "national" as a prefix to the name Republican.

There was a good reason for omitting the word "national" as a part of their name. The old national republican party, of which Clay and Webster were the distinguished leaders, held that the Constitution was the supreme law of the republic, and should be obeyed as such with equal fidelity in all its provisions. They proclaimed and advocated national principles upon the subject of banks, finance, revenue, public lands, and upon all questions of a public nature. They proclaimed their principles alike in the north and the south, in the east and the west, wherever the Constitution reigned; whether their measures were expedient it is not now necessary to inquire; it is sufficient to show that their creed was national and uniform. This new republican party has abandoned the creed as well as the name of the old one, so far as it relates to its nationality. The new creed abjures and ignores every question which has for its object the welfare and happiness of the white man—every question which does not propose to put the negro on an equality with the white man, politically and socially. It is a purely sectional party, with a platform which cannot cross the Ohio river, and a creed which inevitably brings the north and the south—the free and slave States—into hostile collision. What are the objects to which they stand pledged?

First, no more slave States.

Second, the repeal of the fugitive slave law.

Third, the abolition of the slave trade between the States.

Fourth, the abolition of slavery in the District of Columbia.

Fifth, the restoration of the Missouri compromise.

Sixth, no more territory to be acquired unless slavery is first prohibited.

Every plank in their platform rests on a black basis—every clause relates to the negro—and hence consistency requires that the word "black" should be substituted for the word "national," in the name of this new "republican party." I wish to call things by their right names—the name should be significant of the nature and object of the organization. For these reasons the whole country seem, by common consent, to recognize the propriety of calling this new party the "black republican party."

Mr. WILSON. I hope the senator will allow me to interrupt him.

Mr. DOUGLAS. Certainly.

Mr. WILSON. The senator says our principles are sectional, and that none of us dare advocate them in portions of the Union—in the slave States. I will say to the senator that, last Friday evening I addressed a large meeting in the city hall, in Wilmington, Delaware, with the city hall packed and crowded, and the doctrines of the republican party were laid down fairly and squarely, and generally assented to. We claim that our principles are national, and we shall advocate them in every section of this Union.

Mr. DOUGLAS. I trust we shall find in the south that they will avow them as explicitly and boldly as they do in the north. There is no question but that I have stated their platform truly, as laid down when they organized their party. The senator says now there shall be no dodging of the issue; that the question shall be met boldly and fairly. I trust it will thus be met. I am in favor of coming directly to the issue. The Nebraska bill contains, in substance, a negative on each and all of their propositions. It affirms the equality of the States. "It declares the right of each State to come into the Union, with or without slavery, as it pleases, in opposition to their doctrine of 'no more slave States.'" It declares the principle of non-intervention. It incorporates the principle of the fugitive slave law in the act. It declares, in substance, the negative of each of their issues. Where their issues are not embraced in the Nebraska bill, we accept the negative of them. We want to see them come to the very points in dispute; and when you tell us that there shall be no wavering on your part, give us some proof of it by your acts. By the fusion or coalition of abolitionism,

freesoilism, and know-nothingism, under the name of anti-Nebraskaism in the northern States, you have formed this black republican party. No man knows better the nature and the extent of the fusion and coalition between northern know-nothingism and freesoil and abolitionism, than the senator from Massachusetts. He has enjoyed all its advantages and honors, and incurred all its responsibilities. It was that amalgamation which brought him into this chamber, and carried an anti-Nebraska majority into the House of Representatives.

It has been a matter of boast to-day, that you have increased the other side of the chamber and thinned this a little. In every case it was the result of a coalition between abolitionism and northern know-nothingism that supplied the recruits of which you now boast. In the House of Representatives, where you got a majority on pledges to repeal the fugitive slave law, have you a man there who has dared to bring forward a bill to redeem the pledge? You promised to restore the Missouri compromise; have you a man there with courage to bring forward a bill to redeem the pledge? You promised that you would prohibit slavery in the District of Columbia; where is your bill to redeem the pledge? You promised to abolish the slave trade between the States; where is the bill to redeem that pledge?

I told you the other day that rumor said you had determined that it was not safe, in view of the presidential election, to hazard these issues by redeeming your pledges and carrying out your principles. I have received no answer on that point. It suits your policy better to talk about dodging issues than it does to pass your bills to redeem your pledges. You have the affirmative. Bring forward your measures. We accept your issues. You have got your organization. You have got your speaker, who is both a freesoil and a know-nothing, and thus represents your party exactly. If he is not now a know-nothing, he certainly was one when he was elected. Perhaps you change names so often that I may not be correct in the name; but it is well known that he made the first know-nothing speech ever made in the House of Representatives. You have got committees of your own appointing. Why not bring forward your measures?

**MR. WADE.** If the gentleman will allow me, I will say that I believe there is a bill now pending in the other House to apply the Jefferson proviso to the territory south of  $36^{\circ} 30'$ . In due season you will see one after another of our measures as fast as you will want to take them.

**MR. DOUGLAS.** Is that what you call redeeming your pledges? Your pledge was to restore the Missouri compromise line, which did not prohibit slavery south of  $36^{\circ} 30'$ ; but the way you redeem your pledge is by bringing forward a bill to do precisely what you said you would not do, and omit to do precisely what you said you would do. Is that the way to redeem your pledges? A prohibition of slavery south of the line is a violation of your compromise. You bring that proposition in lieu of the redemption of your pledge until after the election. I ask you to bring forward your bills to redeem your pledges. If the Missouri compromise was a sacred compact, as you have asserted—if its repeal was a violation of a compact, and if faith and honor require that it should be restored, bring forward your bill to restore it.

**MR. PRESIDENT,** I do not intend to prolong this debate. I wish to bring these gentlemen to the test. When they taunt us with being cut down, one by one, gradually but certainly diminishing until we shall have been swept away, all we ask of you is to bring your men up to the line; stand up to your principles; redeem your pledges. You need not trouble yourselves about finding a man as the standard-bearer on our side, who is not thoroughly committed to our creed on all points. You need not fear that our candidate will not stand firmly and immovably upon the Nebraska bill. You need not have any fear that he will not take issue with you on every one of the points which you tender—"no more slave States," "the repeal of the fugitive slave law," "the abolition of the slave trade between the States," and "the abolition of slavery in the District of Columbia." Upon each and all of them you need have no fear that our candidate will not stand firmly, immovably and unequivocally, upon the democratic platform.

Give us a man for your standard-bearer who is in like manner identified with your side of each of these issues. Do not take a man uncommitted, with the hope of getting votes from both sides, and then cheating somebody. Why point to the deserters from the democratic ranks who have become your leaders, as evidence that you are democrats? You might as well talk of the Christianity of Omer Pasha because he was a Christian before he apostatized and turned Turk. By this pretension you confess that you are in the wrong. You claim as a merit that the deserters from our ranks to yours were once as pure and patriotic as we now are. I wish to understand the precise position. Does the merit consist in the fact that you were once democrats? Or does it consist in the fact that you have since betrayed your party and your principles? Is it the democracy which you once had, but have since lost, or is it the desertion, which constitutes your high claims to popular favor? It seems, even now, that you are more proud of what you once were than what you now are.

That is the argument. I was in hopes that a had faith enough in the justice of your own cause and consciousness of its strength and inherent truth, to be able to stand upon that, and to make it a matter of pride and boast, as the senator from New York did the other day, when he said he was an abolitionist. The senator, however, gave us an illustration which, perhaps, may be satisfactory to him, but I am afraid will not be entirely so to all the members of his party. He reminded us that, while it took Christianity three centuries to be recognized by the princes of Europe, and while he argued that abolitionism was as certain to triumph as

Christianity, yet this was but the first century of abolitionism. Allow me to tell the senator from New York, that he disappointed the expectations of some of his followers, when he intimated to them that they must wait two hundred years longer before they triumphed and got possession of the spoils of government. [Laughter.] If the senator is aiming at the reputation of being a martyr to his cause, I think he is adopting the proper course; and when I am sure it is only at the honors of martyrdom that he is aiming, I shall be better reconciled to his position. Although I have no ambition to be considered a martyr, I have respect for those who cherish such a hope; and I wish all those modern martyrs to remember that it is a fundamental principle of martyrdom, that no man shall seek his reward until two hundred years after his death! [Laughter.]

In that sense the senator from New York did not object to be called an abolitionist. He was looking to the honors of martyrdom, and fancying to himself how much he should enjoy them at the time when they should be thrown upon him; but the senator from Massachusetts seems to claim that they are to reap their reward now. I like that mode of fighting better.

Let us have a fair issue now—an issue on principles and on men. Let there be no endeavor to cover up the main issues under the irregularities which may have occurred at the election in Kansas. Let there be no equivocation upon the plea of disturbances of a temporary character that may have arisen here and there; but give us an issue on the great undying principles involved in the contest—the equality of the States—the right of self-government everywhere under the Constitution—the right of each State to come into the Union, with slavery or without it, as it pleases—the right of the citizens of each State holding slaves to insist upon the return of fugitives, in obedience to the Constitution—the right of every man to enjoy every privilege, and insist upon the fulfilment of every obligation conferred or imposed by the Constitution.

Again, let us have no equivocation in meeting the issue, whether a clause in the constitution of a new State, directing the legislature to pass a particular law, is to be called a constitutional provision, or by some other name. The senator from Massachusetts tells us (following the lead of the senator from New York the other day) that he is opposed to that clause which declares that a free negro shall never go into the new State of Kansas. He does not deny but that there was a provision submitted for decision at the time when the constitution was adopted; whether negroes should be admitted to go there or not, and it was decided in the negative by those who voted at that election. He does not deny, therefore, but that that clause becomes a part of the constitution of Kansas in the event that Kansas is admitted with the Topeka constitution. But, he says, that clause is a barbarous provision, and he would like to know my opinion of it. I gave my opinion the other day. I stated that Illinois had a similar clause in her constitution; she had a right to put it there; it was our business, and not yours; and if Massachusetts does not like it let her do as she pleases within her own limits, so that she does not violate the Constitution of the United States. We do not believe in the equality of the negro, socially or politically, with the white man. You may practice it, but do not try to force the negro on an equality with us in our State. Our people are a white people; our State is a white State; and we mean to preserve the race pure, without any mixture with the negro. If you wish your blood and that of the African mingled in the same channel, we trust that you will keep at a respectful distance from us, and not try to force that on us as one of your domestic institutions. [Laughter, and applause in the galleries.]

Now, sir, I am willing that the people of Kansas shall decide that question for themselves, as they will have a right to do when they form their constitution. I hold that it is their right to do as they please, so that they do not violate the Constitution of the United States, and to come into the Union with such a constitution as they please. You say no. You say it is your right and duty, under the Constitution of the United States, to inspect the constitution of Kansas; and if you find slavery there, or any other obnoxious provision which creates an inequality between the negro and the white man, you will vote to exclude such State.

When you look into the constitution of Kansas, you find a provision standing as a perpetual instruction to the legislature, in all time to come, commanding that legislature never to allow the negro to tread the soil, or breathe the air of Kansas. By your doctrine, you are responsible for it. Abandon your abolition notions that you are to fix the local and domestic institutions of a new State, instead of leaving it to the people to do so, and you will have no difficulty. Hence I say, give us a fair issue in this campaign that shall settle the question forever between the true principles of the Constitution—the equality of the States, the right of each State to manage its own affairs—non-interference with slavery on the one side, and slavery agitation and foreign interference on the other. We are not aiming at a triumph on immaterial side issues. What we want is, to bury abolitionism, with all its allies, in a common grave at this election, and thereby restore peace and quiet and good order to a constitution-loving people. That is the kind of issue which we desire you to give us—an open one on principle, with men identified with the platforms.

The senator from Massachusetts has referred to that stale abolition libel that Senator Atchison said he had given me twenty-four hours to say whether I would bring in the Nebraska bill, or resign to him the chairmanship of the Committee on Territories. That is a vile abolition libel. General Atchison has on more than one occasion denounced it as a libel. I thus bring it here as being without a shadow of truth. You know, Mr. President, (referring to Mr. BACON, in the chair,) that that bill was prepared before any southern man was consulted, and that you, together with another northwestern senator, were the first who

were consulted on the subject. Then, after you had indorsed it, as I take pleasure in saying you did, promptly and fearlessly, we consulted our southern friends. I trust, therefore, that I have put an end to that foul slander, invented for partisan and malicious purposes, and which has been repeated so often and so wide spread over the whole country.

The senator from Georgia (Mr. TOOMBS) has been represented as being the author of the bill, and the man who dragged me into bringing forward that bill. The New York Evening Post, which the senator from Massachusetts (Mr. WILSON) quotes with so much admiration, has said a hundred times that "Mr. TOOMBS, of Georgia, was the man that stood over Mr. DOUGLAS, and forced him to bring it in," when the senator from Georgia knows that, up to that time, he had never planted his foot in the Senate, and did not arrive in the city until after the bill was prepared and introduced.

Mr. TOOMBS. That is true.

Mr. DOUGLAS. He was not here, and never set eyes on me nor I on him, nor exchanged a word with me, directly or indirectly, until the thing was done, and he came here to engage in fighting the great battle. So it is with these other things. I have failed to notice them before, for the reason that I had such a contempt for this system of making side issues. Heretofore I have not noticed such charges; but when they are thrust in my face in the Senate, I feel it to be my duty to repel them, on the supposition that they have acquired dignity enough by being repeated here to justify me in noticing them. I am not in the habit of noticing the many misrepresentations and assaults which are made on me. I am willing to trust my character and reputation on the result of the great principles involved, and upon the judgment that shall be pronounced on them when passion shall have passed away, and the sober reason of the country shall have returned.

Mr. WILSON, in reply, read what purported to be a report of a speech of General Atchison, in the "Parkville Luminary," in which he was reported as speaking harshly of Messrs. BELL and HUSTON,

Mr. RUSK. The senator has made a declaration in regard to my colleague which, in his absence, I desire to correct. He says that General Atchison made a speech, in which he denounced my colleague. That is a mistake. There was a false or erroneous report in a newspaper, purporting to be what General Atchison had said, that did reflect on my colleague and the senator from Tennessee. General Atchison, as soon as he saw the erroneous report of his speech, wrote a letter promptly correcting it, and stated what he did say, in which there was no denunciation of the senator from Tennessee, (Mr. BELL,) or of my colleague. I have known Gen. Atchison for a long time, and I am sure he would not state what was not true. He told me that he made no such charges against them; he had previously sent me a paper containing the correction of the errors in the false report of his speech, made by some one no doubt for the purpose of raising mischief. The senator from Massachusetts has fallen into another error, which I may as well correct now. He says that, at the session of 1853, Gen. Atchison came into this body, and directed that the first Nebraska bill should be defeated. He represents all of us here as having obeyed this great chieftain. His statement is incorrect. On the contrary, General Atchison supported and sustained that bill. I had almost a personal quarrel with him and the senator from Illinois in regard to it. I opposed that bill for various reasons, which will be found spread on the records at the time. I asked that the bill should not be taken up when I was absent. It came here at the last hours of the session of 1853, while I was out on a committee of conference. I asked the senator from Illinois and General Atchison not to allow the bill to be taken up in my absence. I came back from a committee of conference, and found the bill under discussion.

Mr. DOUGLAS. The discussion was on a motion to take it up. The bill was not taken up in the Senate.

Mr. RUSK. I believe the senator is correct. I felt indignant; and I charged both the senator from Illinois and General Atchison with acting in bad faith towards me; strong words passed between us; but I found I was in error; both had acted fairly towards me in the matter. To show General Atchison's position I will appeal to the record. I will read it to the senator from Massachusetts, so that he may correct his recollection on the subject. At page 321, of the Senate journal for the second session of the thirty-second Congress, this will be found:

"On motion by Mr. DOUGLAS that the Senate proceed to consider the bill (H. R. No. 353) to organize the Territory of Nebraska—

"A motion was made by Mr. BORLAND that it lie on the table; and it was determined in the affirmative—yeas 23, nays 17.

"On motion by Mr. WELLEN, the yeas and nays being desired by one-fifth of the Senate present, those who voted in the affirmative are:

"Messrs. Adams, Bayard, Bell, Borland, \* \* \* Houston, \* \* \* Rusk. \* \* \*

"Those who voted in the negative are:

"Messrs. Atchison, Bright, Cooper, Dodge, of Wisconsin, Dodge, of Iowa, Douglas," &c. I merely wished to correct the senator from Massachusetts.

Mr. WILSON spoke of his willingness to meet the issue on the Kansas question, and said:

The honorable senator wishes the issue distinctly made. He will have the issue as distinct as he can desire. We will make our own platform. We do not allow that senator to make it for us, or define it for us. We shall make it for ourselves; and, as he says, we will nomi-

nate a candidate committed, fully committed, to its doctrines. If we fail, we will cheerfully submit; if we triumph, we shall embrace in our policy the whole country, and guard the rights of every section of our common country. Threats have been thrown out that, if the "black republicans" triumph in 1856, the Union will be dissolved. Sir, we heard these idle threats when the election of Speaker was pending in the other House; but, when the contest closed by the election of the "black republican" from Massachusetts, his chivalrous competitor from South Carolina, claimed the honor of escorting him to the chair. Sir, you cannot kick out of the Union the men who utter these impotent threats. They know the words of the brilliant Sheridan are true, that—

"Out of oppression is squeezed retribution;"

that "wherever the heel of oppression is raised, trodden misery springs up and glares around for vengeance." They know that they live in a section of this Union where there are nearly four millions of an oppressed race; that there is not a mother in the south who would not clasp her babe closer to her bosom if she believed this Union would be dissolved. The men who fling out these idle threats know that they sleep peacefully at night because the Union does stand, and they have the power of this government to protect them.

Mr. STUART. Mr. President, nominally, the Senate is engaged in the consideration of one of the most important questions which was ever addressed to it in the exercise of its duties—that is, the question of receiving a petition. Upon that question I have settled convictions, undisturbed, I think, by any argument that can be addressed to me; and they are simply these: that if a petition comes from anybody, addressed in respectful terms, in relation to a subject which is or can be under discussion in the Senate, I will receive it, and treat it with all proper respect. Applying that doctrine to this case, if any man, or any set of men, in the Territory of Kansas, representing themselves as they choose, should address a petition to this body of the character I have just described, my vote would be to receive it, to give it its appropriate reference, and to endeavor to pass upon it a respectful and sound judgment. But, Mr. President, it is obvious that this is what I denominated it when I rose, but the nominal question before the Senate.

Five hours and more I have sat here to-day, in the vain hope that this great question would be brought to an issue; but the memorial has not even been read at your desk.

Now, Mr. President, is any man so blind as not to see the reason of this movement? Is any man so blind as not to see its consequences? This subject occupied all day on Thursday last. It was discussed in every point of view; and what was the result? Why, sir, an illustration of the suggestion of the honorable senator from Massachusetts, who has just taken his seat, that—

"He who fights and runs away,  
May live to fight another day!"

But three votes were found sustaining the position that was taken, and the vote of that honorable senator was not among the number. Therefore, he lives to fight another day. [Laughter.] Now, what in fact is the question?

Mr. SUMNER. I hope the senator will allow me to interrupt him.

Mr. STUART. Certainly.

Mr. SUMNER. I do not observe my colleague in his seat at this moment, and therefore I reply for him that he was absent from the city on that day.

Mr. STUART. I watched that proceeding; it is not a new one. If I speak somewhat strongly I hope I shall be excused, for I belong to that portion of the Senate who desire to do business. What is the history of to-day? I wish it recorded so that the people of the United States may look at it when they choose. There has not been an opportunity to offer a memorial or to make a report. The special orders which involve the interests of the country have been postponed—for what? To be enlightened on the right of petition? To investigate the subject that is presented to the Senate in the memorial now asked to be received? Not at all; but to endeavor to do what the senator from Massachusetts says his party are going to do—to seize the reins of government. Yes, sir; this delicate subject, upon which the people in various sections of the Union are so sensitive; this one which ought to be abjured from consideration at any and at all times, except when it demands serious and respectful legislation, is thrust in here and seized with the avidity with which hungry hounds seize a carcass—for what purpose? That certain gentlemen may raise into power because of their sympathy for the black man? None of it. Because of a desire to interfere with slavery in the States? That is denied. Is it to secure quiet in Kansas? It is the last object desired. What then, sir? Why, the Senate of the United States is turned into a theatre, exciting applause from the galleries, that a party may ride into power; and that, too, by making a bantling of the most delicate subject that exists under our institutions.

At proper times, upon proper occasions, before the people, in elementary meetings, I have sometimes discussed this question; I expect to do it again—never, sir, to raise the hydra-headed form of agitation. This question I have not discussed in the Senate of the United States; I will discuss it, whenever there shall be a legitimate subject for discussion before us, to the extent of my ability; but that discussion shall be for peace, for harmony. If I were clothed with the power to spread over the Territory of Kansas the mantle of peace, and quiet, and harmony, until it should react on the States of this Union, I would consider

prouder day than to occupy a position in the White House. He who has no aspirations above the paltry feeling of power, and is willing to attain that power by hazarding the interests of thirty millions of free people, has an ambition that I desire not to imitate.

Sir, is not the history of this day one which ought to arrest the attention of the Senate and of the country? Every senator was ready to give his vote on this question within five minutes after it was presented. But we have had a biography of Colonel Lane; we have had the history of the campaigns in which he has been engaged, both political and warlike, in the country; we have had everything here except a vote on the question. It is—not humiliating, because that would be a term which would be improper to use in the Senate; but it grieves me to see the business of the country—that business which demands action—thrust aside, day after day, that the wheel may turn and this old subject be drawn into the arena to be kicked and cuffed for five or six long hours. What good can grow out of it? None. Is any expected? None. Is any desired? I am afraid not, sir—I am afraid not. I would rather see a remark made years ago by my distinguished colleague have full force here, and throughout this country, that the subject to which the honorable senator from Massachusetts referred, the dissolution of this Union, should be an unspeakable phrase. I would join heartily in that other remark of his, and I would ask that every man should cling to the Constitution as the wrecked mariner to the last plank, when night and the tempest surround him. Sir, if there be a man that can utter, against north or south, a sentiment even indicating that that section cannot be kicked out of the Union, I beg him to reserve that sentiment for some place other than the Senate of the United States.

Mr. WILSON. Will the senator from Michigan allow me to ask him a question?

Mr. STUART. Certainly.

Mr. WILSON. Did the senator understand that I said that the south could not be kicked out of the Union?

Mr. STUART. I did.

Mr. WELLER and others. Certainly.

Mr. WILSON. I made no such declaration. I said that those gentlemen who made the threats to which I alluded could not be kicked out of the Union; that men who threatened that they would dissolve the Union if a certain party should obtain power, could not be kicked out of the Union. I believe we shall never have any trouble about kicking any section or State out of this Union.

Mr. STUART. I cannot consent to repeat all the language which the senator used on that subject. So far as he has repeated it, he is correct; but he cannot forget that he connected with it certain other remarks which gave it a locality. But, sir, I repeat what I said before, I care not to what section of the country it is addressed, or to what man in any section of the Union, I am happy to believe that the people are for maintaining it in its integrity, and if they are ever driven from their position, it will be by accidentally placing men in position who say things and do things so tantalizing as to drive others mad.

Now, Mr. President, I am anxious to get rid of this subject. I am desirous that the legislation of the country shall proceed, and I will join with my fellow senators here in any amount of labor to facilitate the legislation of the country; and, if the Senate believe it will answer their purpose as well, I should like to move to lay this whole subject on the table.

Mr. CLAYTON and others. Certainly; we will agree to that.

Mr. STUART. I think it will essentially carry out our views, and in it we shall say that by taking this bantling away from here on Thursday last, and giving it a new shape without its living long enough to get any feathers on it, has not at all helped the question; that it is no such subject as this individual has a right here to present. I move, therefore, to lay the motion to receive the petition on the table.

The PRESIDENT. That motion is in order.

Mr. HARLAN addressed the chair.

The PRESIDENT. The question is not debatable.

Mr. SUMNER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 30, nays 11; as follows:

YEAS—Messrs. Adams, Allen, Benjamin, Biggs, Bigler, Bright, Brown, Butler, Cass, Clayton, Dodge, Douglas, Evans, Fitzpatrick, Hunter, Iverson, James, Jones of Iowa, Jones of Tennessee, Pugh, Reid, Rusk, Sebastian, Slidell, Stuart, Toombs, Toucey, Weller, Wright, and Yulee—30.

NAYS—Messrs. Collamer, Durkee, Foot, Hale, Hamlin, Harlan, Seward, Sumner, Trumbull, Wade, and Wilson—11.

So the motion to receive the petition was ordered to lie on the table.

From the Washington Union of April 26.

## THE DOUGLAS AND LANE CORRESPONDENCE.

The false rumors which have been put afloat in regard to an alleged correspondence between Colonel Lane and Judge Douglas in relation to the debate on the spurious Kansas memorial, have induced several of Judge Douglas' friends to ask his consent to give the correspondence publicity. The letters will be found in our paper this morning; and we risk nothing in saying that Judge Douglas' letter places Colonel Lane in a worse predicament even than he was in before. We observe, by the New York Times which reached us last night, that Colonel Lane has published a card in that paper of yesterday, in which he introduces his own letter to Judge Douglas, with the exception of the concluding sentence, but fails to accompany it with Judge Douglas' reply. He undertakes to give the points of Judge Douglas' reply, but he does it so imperfectly that it is grossly unjust. Without dwelling on the card of Colonel Lane, we deem it due to Judge Douglas to say, upon authority, that the statements that when Colonel Lane's letter was handed to Judge Douglas he "*asked until one o'clock to reply, which was granted,*" and that "*he then asked until four o'clock, and afterwards until Monday,*" which were "*cheerfully granted,*" are a total perversion and misrepresentation of the facts. Judge Douglas asked no time to reply, and none was granted. When Mr. Watson called on Saturday and delivered Colonel Lane's letter Judge Douglas had company, and he informed Mr. Watson that he would be ready to reply in an hour or two, which would be one o'clock. Mr. Watson said he would be engaged for several hours, and probably until four o'clock. Judge Douglas then fixed four o'clock for his reply. After his company left he read the letter, and found that it would take more time than until four o'clock to make such a reply as his judgment dictated as proper. He immediately requested Colonel Orr to see Mr. Watson, and notify him that his reply would be made on Monday morning. Colonel Orr, not finding Mr. Watson, left a note for him giving the notice. These are substantially the facts, and they show how grossly Colonel Lane has perverted and misstated them:

## CORRESPONDENCE.

HOUSE OF REPRESENTATIVES, April 25, 1856.

SIR: You will please publish the enclosed correspondence. The letter of Judge Douglas to Hon. C. K. Watson was delivered by me to him on Monday last. After reading it, Mr. Watson said to me, verbally, that he was not aware, when he delivered Colonel Lane's note, that it could be construed as hostile in its character, and that it was his determination not to prosecute further the correspondence.

It is due to Mr. Watson to say that his manner and conversation in relation to this matter have been courteous and friendly, holding that no rule or technicality should induce him to do anything that his judgment could not approve. This met the approval of my own judgment.

Very respectfully, your obedient servant,

JOSEPH LANE.

EDITOR Union.

WASHINGTON CITY, April 25, 1856.

DEAR SIR: It has been announced in the newspapers that a hostile message had been sent to you by Colonel James H. Lane, of Kansas Territory, and your course in regard to that matter has been most grossly misrepresented. We, as friends whom you consulted, and who advised the course which you pursued on that occasion, request your permission to publish the correspondence now in our hands, in order that the facts may be understood.

Very truly, your obedient servants,

R. TOOMBS,  
JOHN B. WELLER,  
J. D. BRIGHT,  
JAMES L. ORR,  
JOSEPH LANE.

Hon. S. A. DOUGLAS.

WASHINGTON, April 25, 1856.

GENTLEMEN: In reply to your note of this date, I take pleasure in saying that you have my permission to make such disposition of the correspondence referred to as you may think the circumstances require.

Very truly your friend,

S. A. DOUGLAS.

MESSRS. R. TOOMBS, J. B. WELLER, J. D. BRIGHT, J. L. ORR, JOSEPH LANE.

WASHINGTON, D. C., *April 18, 1856.*

SIR: One day last week I placed in the hands of General Cass, with a request to lay it before the Senate, the memorial of the general assembly of Kansas, praying for her admission into the Union as a sovereign State. I gave that direction to the memorial from the fact that the convention which framed the constitution of Kansas, with great unanimity, had before selected General Cass as the medium by which to present the constitution to the Senate, deeming him, on account of seniority, the more proper person to introduce into the new applicant.

On Thursday of that week that memorial was the subject of severe criticism, and in connexion with it charges of the most grave character were preferred against me.

On Monday last in a paper read in your hearing and by yours, I frankly avowed myself the reviser of that memorial; stated distinctly that it was prepared under my direction, in conformity with the authority vested in me; that no human being was consulted in the preparation of it, the instructions of my principals faithfully carried out; the explanation was as full as the avowal was frank, nothing being withheld. After this, in connexion with the memorial, you repeat the charge in a form much more objectionable than before. Believing, as I do, that neither the Constitution of the United States nor the rules of the Senate were intended to justify or sanction so gross an attack upon the character of an American citizen, I respectfully ask for such an explanation of your language upon that occasion as will remove all imputation upon the integrity of my action or motives in connexion with that memorial.

When you are reminded that although I have a certificate of election to a seat in the body of which you are a member, and so far your peer, yet I am not permitted to speak in my own defence; when you are reminded of the friendship, personal as well as political, which has heretofore existed between us; that I came here your friend confidently expecting to find you on the Kansas application where you stood in '44 on the Texas question, in '56 on the California question, in favor of recognizing the people's government, and extending over American citizens the protecting arm of the general government, I feel confident you will, without hesitation, tender the explanation requested, and thereby render a simple act of justice toward one who has faithfully discharged his duty to his constituents in all the relations which have given rise to the existing controversy.

My friend, Hon. C. R. Watson, will deliver this to you and receive your answer.

Respectfully,

J. H. LANE.

HON STEPHEN A. DOUGLAS, *Washington city.*

SATURDAY, *April 19, 1856.*

SIR: I have examined the letter signed by your friend, James H. Lane, which you placed in my hands to-day, and will now give you my reasons for responding to you as its bearer, instead of him as its author.

The letter is so equivocal in terms, and portions of it so irreconcilable with other portions, that it is impossible to determine, with any certainty, whether it is intended as a hostile message or a friendly note. It is true that the city is full of rumors that your friend, Colonel Lane, intended to challenge me, and the letter-writers for those newspapers in the eastern cities most friendly to the revolutionary movements in Kansas and most hostile to myself not only announced the fact some three or four days ago, but actually fixed the time when your friend intended to send the hostile message. The object of your friend in causing his intentions to be made known to the world and published in the newspapers is not for me to explain, when he and every one must have known that the effect would inevitably be to have both parties arrested the moment he succeeded in making the public believe that he intended to invite a hostile meeting.

In the National Intelligencer of this morning I find a "Card," published by your friend, in which he attempts to assail me personally, and to raise a question of veracity between us upon a point in reference to which he admits, and affirmatively asserts, the truth of my statement, but denies that he gave me or any other person a "shadow of authority for making any such statement." Having selected his tribunal and removed his complaint from the jurisdiction to which public letter-writers in his confidence had declared he would bring it, and appealed to the public through the columns of the newspaper press, he is at liberty to prosecute it in that forum as long as he pleases. Since the publication of this "Card" in the newspapers, your friend, in a letter of which you are the bearer, and in which you are designated as his friend to receive my answer, referring to the debate on Monday last in the United States Senate on the fraudulent memorial of the spurious legislature of Kansas, makes the following request of me: "I respectfully ask for such an explanation of your language upon that occasion as will remove all imputation upon the integrity of my action or motives in connexion with that memorial."

The reasons assigned for calling upon me to vindicate "the integrity of his action and motives in connexion with that memorial" are, that "on Thursday of that week (the week previous to the debate of which he now complains) that memorial was the subject of severe

criticism, and in connexion with it CHARGES OF THE MOST GRAVE CHARACTER WERE PREFERRED AGAINST ME," [your friend, Colonel Lane.] It is not pretended that I made those charges against him in that debate. The published debate shows that "on Thursday of that week" no less than three or four senators did denounce that memorial as "an impudent forgery, attempted to be palmed off upon the Senate of the United States, through the hands of the venerable senator from Michigan;" as "a paper which has reached the Senate through fraud, which has stamped upon it every mark of forgery;" as "a forgery which has been palmed off on the Senate;" and various other denunciations of a like character, all tending to stamp the memorial with fraud and forgery. I did not endorse these grave charges, on the one hand, nor repel them, on the other, for the reason that while all the facts then known to the Senate seemed to justify a strong suspicion, and, indeed, raise the presumption, that they were true, yet the circumstances were not such as to render it my duty to do more than to reject the memorial upon the facts disclosed in the debate. In fact, I followed the lead of the illustrious senator from Michigan, who presented the memorial under the impression that it was a genuine paper by expressing a willingness to vote for his motion to print, as a matter of courtesy to him, so long as it involved no other consideration than the amount of money which the printing would cost. But when its reception and printing become the test of a principle which was to recognize and sanction the revolutionary proceedings in Kansas, I announced my purpose to vote against it for that reason. Subsequently such disclosures were made as to create doubts in the mind of General Cass in respect to the authenticity of the paper, and he, after an interview with Colonel Lane, from whom he had received it, made the following announcement to the Senate, and voted for the resolution rescinding the action of the Senate whereby the memorial was received and referred, and therefore withdrew it. General Cass said:

*"Within a few minutes I have had an interview with the gentleman who presented me with the petition, and I am bound to say to the Senate, that I am not satisfied that this paper is one which ought to be acted on by the Senate. This is all that it is necessary for me to say. I shall vote for the resolution of the senator from Virginia."*

After the "memorial" had been denounced by several senators as a fraud and a forgery, and after General Cass had thus announced his purpose to vote for its rejection for the reasons stated, Mr. Seward rose and said that he had just conversed with Colonel Lane upon the subject, and he added:

*"He tells me, and authorizes me to say, and requests me to say to the Senate, as I do in his behalf, that before he left the State of Kansas he saw this paper, the same paper—he does not say that it is the identical paper in chirography—but he saw the memorial of which this is the substance and text signed by all the members of the provisional legislature of Kansas, and that this is a true copy of that paper, as he had before stated to the honorable senator from Michigan, and I suppose the original is within his reach and available. This is in no substantial respect different."*

Mr. Seward also further said that "this statement is due to him; and this statement is all that I need say in justice to myself."

In reply to Mr. Seward a senator arose and said:

*"I think, Mr. President, this debate will not be without its advantage to the country. We are beginning now to get at the truth of this matter slowly, but it would seem securely."*

*"Where do we stand? A paper has been presented here, palmed upon the senator from Michigan, purporting to be a memorial from certain persons in Kansas, who claim to be the senators and representatives of the State of Kansas. It is questioned; its authenticity is doubted; it is denounced as a forgery and a fraud. We learn now that it reached the honorable senator from Michigan at the hand of one who is sent here as a senator from Kansas. We learn from the senator from New York that that paper, thus denounced on this floor as a forgery, and fraudulently done, came to the hands of the senator from Michigan by one of those men who is sent here as a senator for the pseudo State of Kansas; and yet there is no man whom I have heard who undertakes to vindicate him. There is no gentleman who stands on this floor and says that the man who brought the paper here is what he claims to be—an honorable man—and that he brought a fair and honest paper. I do not understand the senator from New York to do that. Where are the gentlemen who claim to be here speaking for the oppressed people of Kansas? Sir, nescitur sociis is a safe maxim—the man is known by the company he keeps. If it be true that the man is known by the company he keeps, the company is known by the man who helps them."*

After further discussion of a similar character, the resolution of Mr. Mason was adopted by a vote of thirty-two in the affirmative to three in the negative, by which the orders to refer the fraudulent paper to the Committees on Territories and Printing were rescinded, and the paper was then withdrawn by General Cass and returned to Colonel Lane.

I have been thus minute in tracing the outline of the debate which occurred on the first presentation of this fraudulent memorial in order to show that I took no part in the discussion which questioned the authenticity of the paper, or the conduct of Colonel Lane in connexion with it. Yet it will be observed that, in the letter which you bore from Colonel Lane to me, it is stated, as the first cause of grievance, that "on Thursday of that week that me-

morial was the subject of severe criticism, and in connexion with it charges of a most grave character are preferred against me," [Colonel Lane.]

We have seen what those charges were: They were no less than that of FRAUD and FORGERY! These charges were made and repeated by several senators in the course of that debate, and received the sanction of the Senate by a vote of 32 to 3 in the adoption of Mr. Mason's resolution. Your friend, Colonel Lane, rested under these charges until the next week, when he attempted to exculpate himself, not by calling on the senators who made the charges for explanation, but by presenting a petition signed by himself, with the original memorial made a part of it, praying that the pretended copy, which had been rejected on the previous Thursday, might also be received, and inviting a comparison between the two, with a view of enabling the Senate to determine whether the one which the Senate had rejected was a copy or a forgery. As the chairman of the committee having charge of territorial affairs, it became my appropriate duty to institute the comparison which had been invited by Colonel Lane in his petition, and to give the Senate the result of my investigation. I found that while the rejected copy purported to be authenticated by the signatures (all in one handwriting) of the members of both houses of that spurious legislature, the original, from which it was pretended to have been copied, had no signatures at all attached to it, and no authentication whatever, except an evasive affidavit taken that day before Judge McLean. I also found that the first three pages of the original were entirely suppressed in the pretended copy. I also found many other material omissions and suppressions, many interpolations and alterations run all through the paper, and changing its whole character, not only in form, but in substance and principle. I exposed these things to the Senate in plain and unmeasured terms, as it was my right and duty to do. I did not go out of my way to criminate or exculpate any one. I dealt with the fraudulent paper as it came before me in the line of my duty, and left the authors of the iniquity free to pursue their own course. I showed that the original memorial, which it is alleged was adopted by the spurious legislature of Kansas, was based on the fundamental idea or principle that Congress had no power to establish governments for the Territories; that the Kansas-Nebraska act was unconstitutional and void for that reason; that the people of the Territories owed no allegiance to the governments which had been or should be established by Congress in the Territories; and hence they had an inherent right to take the steps which they had taken to overthrow the territorial government without the consent and in defiance of the authority of Congress. I also showed that in the pretended copy all this had been suppressed since the issue was made up between the two parties by the reports of the majority and minority of the Committee on Territories, and in lieu of it had been inserted an humble petition to Congress recognising its authority and praying for its interposition. In short, I showed and proved by a comparison of the two papers that the pretended copy was not a copy in any sense of the word—that it was a spurious, fraudulent paper; in other words, that it was a base and impudent forgery. No senator did so man in or out of the Senate can vindicate the paper from this just condemnation. The severest judgment which I pronounced on this transaction is contained in the following extracts from my speech, which I now repeat as the only explanation I have to make of the matters to which they refer:

"I submit whether this does not make it a totally different document, affirming entirely different principles, in order to place their action in a totally different light. The Kansas legislature, in the original document, said they justified their acts because Congress had no power over them. The memorial came in the other day recognising the power of Congress. I ask, then, if it is not a forgery thus to change the document in the most vitally important point upon which the whole proceeding rests? I do not say by whom the forgery was committed—I care not. The taint runs through this whole proceeding, and the affidavit does not cure or remedy it.

Again:

"I can take up this memorial and show that, as I have exposed one heresy after another of their pretensions, they took the pen and ran through this memorial to get rid of the objection.

"It has been changed from time to time in material points, striking out and inserting, until it has hardly a vestige of its original form. The very comparison which is here challenged between the pretended copy, presented the other day, and the original now proves conclusively that such is the case. I then submit whether here was not evidence of the most glaring fraud ever attempted to be perpetrated upon a legislative body. After that fraud has been once detected and exposed, the question is, whether a second one is to be perpetrated upon us by taking the same spurious document and attaching it to a memorial, and thus dragging it into the Senate?"

It should be borne in mind, that the first time this fraudulent paper was presented to the Senate I pronounced no judgment upon the question of its authenticity, or the means by which it found its way to the Secretary's table. Other senators did denounce it as "a fraud and impudent forgery." I remained silent on these points, not from any sympathy with the perpetrators of the fraud, but from my profound respect for the feelings of the illustrious senator from Michigan, whose confidence had been abused so far as to induce him to present it under the impression that it was an authentic memorial. When he discovered his mistake,

I joined him in that vote of condemnation which the Senate pronounced by 32 to 3 in the adoption of Mr. Mason's resolution.

The next week Colonel Lane comes to the Senate, through Mr. Harlan, of Iowa, and presents a memorial, in which he asks and challenges a comparison of the two papers, with the view of inducing the Senate to reverse the judgment which had been so emphatically pronounced upon the conduct of the authors of that fraud, at the same time avowing himself to be the person who perpetrated the act. I did make the comparison in pursuance of the request contained in his memorial, and stated the facts to the Senate as I found them to exist, together with my opinions upon them. The Senate ratified those opinions in the rejection of the memorial by a vote of 30 to 11.

In the face of these facts, your friend, Colonel Lane, calls upon me "for such an explanation of my language upon that occasion as will remove all imputation upon the integrity of his action or motives in connexion with that memorial." My reply is, that there are no facts within my knowledge which can "remove all imputation upon the integrity of his action or motives in connexion with that memorial."

For the reasons which I have stated, I can have no correspondence with Colonel Lane, and therefore address this note to you.

Your obedient servant,

S. A. DOUGLAS

Hon. C. R. WATSON.

From the Union, April 19.

*Mr. Douglas' bill for the admission of Kansas as a State.—Abolition misrepresentations corrected.*

Falsehood and misrepresentation are the order of the day amongst the opponents of the Nebraska-Kansas law. This system, which has served so successfully in enabling the agitators to keep the country in a continued state of excitement since the passage of that law, is now resorted to and persisted in with undiminished impudence and pertinacity in regard to the bill lately reported by Mr. Douglas, providing for the early admission of Kansas into the Union as a State. Horace Greeley has located himself in Washington to "oversee" the black republican forces, and to act as their "driver" on questions calling for the "crack of his whip." He is faithfully seconded and supported in his humane undertaking by the prompt counsels and co-operation of James Watson Webb and Francis P. Blair, who are always ready to act as an advisory board. Day by day Mr. Greeley issues his edicts by letter and by telegraph, and thus entitles himself to be regarded as supreme dictator of black republicanism. He was at his post when Mr. Douglas brought forward his report on the Kansas question, accompanied by his bill "to authorize the people of Kansas Territory to form a constitution and State government, preparatory to their admission in the Union when they have the requisite population." He was equally prompt and vigilant when Mr. Douglas opened the debate on the question, and when he explained in clear and explicit terms the provisions of his bill. Faithful to the system of misrepresentation and falsehood, which has marked the entire opposition to the Kansas measure, Mr. Greeley assailed the bill of Mr. Douglas, and grossly falsified and perverted its provisions. He announced to his followers that by the bill the question as to who are qualified voters in Kansas is left where the code of laws enacted by the Missouri "border ruffians," assembled at Shawnee Mission, left it, and, therefore, that, according to that code, an oath of obedience to the fugitive slave law, and the production of certificate of the payment of a dollar as a tax, were conditions precedent to the exercise of the elective franchise. At a subsequent day Mr. Douglas alluded to this perversion of his bill and denounced it as its recklessness deserved. Mr. Greeley was forced to make an apology, but in so lame and reluctant a manner that it was an aggravation of his original offence. His excuse for his misrepresentation was that he had not read the bill, that he does not think it had been printed when he wrote the falsehood, and that he presumed upon the correctness of his statements from the supposition that the bill had adopted the provisions of the Kansas code!

As was to be expected, this lame apology had no other effect on the black republican corps of organs, except it was to instigate them to increased industry in giving currency to the misrepresentation. The New York Evening Post, as late as the 15th instant, contained nearly a column of comments on what it calls "the Douglas process"—which means the bill before alluded to. Instead of avoiding the misrepresentation of Mr. Greeley, which Mr. Douglas had publicly corrected and denounced, and which Mr. Greeley himself had half-way admitted and apologized for, the Post repeats, in explicit terms, the same false statements, and upon this misrepresentation bases its only objection to the bill. Before we proceed to nail this falsehood, like base coin, to the counter, we quote the language in which it is repeated by the Post, as follows:

"By the bill which he has introduced in the Senate, and which both he and the Senate seem already to have forgotten, a new constitution is to be framed for Kansas as soon as the

inhabitants of the Territory shall have reached a certain number—a constitution agreed upon by delegates elected by the 'qualified voters' of the Territory—and with this constitution she is to be received into the Union. Who is to be regarded as a qualified voter is not expressed in the bill; that question is left where the code of laws enacted by the Missourians assembled at Shawnee Mission left it. The qualifications of a voter, according to that code, are, an oath of obedience to the fugitive slave law and the production of a certificate that a dollar has been paid to an officer who holds his appointment from the spurious government constituted at the Shawnee Mission. Be the person who offers to vote a resident or not, if he submits to the test, and produces the certificate, he is to be admitted. If he have lived in the Territory from the time it was organized, yet if he cannot conscientiously take the test, he is excluded from voting.

"The free State party cannot, and will not, submit to a test of this kind, passed by a legislature whose authority they deny. The greater number, probably, could not conscientiously take it. We could not, even if the legislature which enacted the test sat with a legal and undisputed commission; there are provisions in the fugitive slave law which nothing could induce us to obey. Mr. Douglas' process, therefore, shuts out from the elective franchise all the free State residents of Kansas. Their places will be easily supplied if it be thought necessary to import voters from Missouri, to give the semblance of a popular election to the choice of delegates. A dollar will make a voter; for a thousand dollars you may have a thousand voters fresh from Missouri; or, if that be too dear, the tax collector appointed by Stringfellow and his associates will, of course, make no scruple to grant the certificates gratuitously. After the constitution is framed, the same set of qualified voters, with the same exclusion of the real residents, must adopt it, and Kansas will then be ready for admission into the Union. This is what the Union calls Mr. Douglas' process. It is quite worthy of the framer of the Nebraska bill."

If the reader has any suspicion that we have dealt too harshly in denouncing the false statements contained in the foregoing, we beg him to turn back and read the extract again, and remember that it is a repetition in an enlarged form of a fabrication from the mint of Horace Greeley, and that its circulation is persisted in under circumstances that give peculiar aggravation to the offence. It will be observed that the only objection urged by the Post against Mr. Douglas' bill is based upon the assertion that the qualifications of voters who are to take the initiatory and preparatory steps for the early introduction of Kansas as a State is not provided for in Mr. Douglas' bill, but is left to the code of laws passed by the late Kansas legislature. If we remove this objection, black republicanism will stand unmasked and without an excuse for further opposition to the bill. We proceed to do this upon documentary proof, which, whilst it will expose thoroughly the misrepresentations of the Post, will also fully vindicate the wisdom of the bill so grossly abused and falsified.

We begin with the opening remarks of Mr. Douglas in the Senate on the 20th of March, when he sustained his majority report against the attacks of his colleague, Mr. Trumbull, and replied to the minority report of Mr. Collamer. We quote as follows:

**MR. DOUGLAS said:**

**MR. PRESIDENT:** I will ask the indulgence of the Senate for such length of time as the subject may require, provided my strength do not fail me, while I submit some views in vindication of the majority report, and in answer to that of the minority of the Committee on Territories upon the Kansas question.

In the first place, however, as we have taken up for consideration the bill reported by the Committee on Territories to authorize the people of that Territory to form a constitution and State government, preparatory to admission into the Union, it is due to the subject that I should give a brief exposition of the provisions and principles of the bill.

The first section provides that whenever the Territory of Kansas shall contain 93,420 inhabitants, to be ascertained by a census taken in conformity with law, (that being the present ratio for a member of Congress,) a convention may be called by the legislature of the Territory to form a constitution and State government, preparatory to its admission into the Union as a State.

The second section provides that the convention shall be composed of twice the number of delegates which each district in the proposed State has representatives in the territorial legislature. At the election of these delegates it is proposed that all the white male inhabitants who shall have attained the age of twenty-one years, and who shall have resided six months in the Territory, and three months in the district, may vote, provided they possess the qualifications required by the organic act of the Territory. By examination of the precedents, I find that it has been usual to prescribe the qualifications of the voters in the acts of Congress authorizing the people of the Territories to hold conventions and form constitutions preparatory to their admission into the Union.

The several acts of Congress preparatory to the admission of the following States prescribed a residence varying from three to twelve months as a condition of voting, to wit: Illinois, six months; Indiana, twelve months; Ohio, twelve months; Mississippi, twelve months; Missouri, three months; Louisiana, twelve months; Alabama, three months. Most of the other new States formed their constitutions under the authority of their territorial legislatures, without the preliminary action of Congress. In preparing this bill I have adopted the medium according to the precedents running through our whole territorial

history—six months' residence in the Territory, and three months in the district in which the vote may be given.

The third and only remaining section of the bill provides for the usual grants of land to be made to the State of Kansas on the same terms upon which they have been made to most of the other new States.

If there is anything objectionable in the details of the bill they will be open to amendment, and I shall be ready to accept any amendment which my judgment approves.

After reminding the reader that this speech was made more than a month ago, that more than a hundred thousand copies in pamphlet form have been circulated, and after it has been the subject of comment throughout the country for several weeks before the Post penned its misrepresentation of the bill, we proceed next to quote the two first sections of the bill itself, which contain all that relates to the matter in hand. They are as follows:

"A bill to authorize the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall appear, by a census to be taken under the direction of the governor, by the authority of the legislature, that there shall be ninety-three thousand four hundred and twenty inhabitants (that being the number required by the present ratio of representation for a member of Congress) within the limits hereinafter described in the Territory of Kansas, the legislature of said Territory shall be, and is hereby, authorized to provide by law for the election of delegates by the people of said Territory, to assemble in convention and form a constitution and State government, preparatory to their admission into the Union on an equal footing with the original States in all respects whatsoever, by the name of the STATE OF KANSAS, with the following boundaries, to wit: Beginning on the western boundary of the State of Missouri where the thirty-seventh parallel of north latitude crosses the same, thence west on said parallel to the one hundred and third meridian of longitude, thence north on said meridian to the fortieth parallel of latitude, thence east on said parallel of latitude to the western boundary of the State of Missouri, thence southward with said boundary to the place of beginning.

"Sec. 2. And be it further enacted, That the said convention shall be composed of delegates from each representative district within the limits of the proposed State, and that each district shall elect double the number of delegates to which it may be entitled to representatives in the territorial legislature; and that, at the said election of delegates, all white male inhabitants who shall have arrived at the age of twenty-one years, and shall have been actual residents in said Territory for the period of six months, and in the district for the period of three months, next preceding the day of election, and who shall possess the other qualifications required by the organic act of the Territory, shall be entitled to vote, and that none others shall be permitted to vote at said election."

It is seen from the bill itself that Mr. Douglas has not left the question as to who are qualified voters to the code of laws passed by the Kansas legislature, but that he enumerates and defines expressly that the voters must be white male inhabitants, of the age of twenty-one years, actual residents of the Territory for six months, and of the district for three months, next preceding the day of election, "and who shall possess the other qualifications required by the organic act of the Territory." By the organic act of the Territory, all citizens, whether native or naturalized, and all foreign born who have filed their application for naturalization and taken the necessary oaths under the naturalization laws, are qualified voters. Not one word of reference is found in the bill to the code of laws passed by the Kansas legislature; no oath required to support the fugitive-slave law; no payment of a dollar as a condition precedent to qualification as a voter. It is, therefore, clearly shown that the original statement of Mr. Greeley was a bold and bald misrepresentation, and that its repetition by the Post, under all the circumstances, is an aggravation of the offence. And now we ask, with earnestness, what valid objection can even black republicans have to the bill? It provides for the early admission of Kansas as a State, with a constitution to be adopted by a convention, to be chosen by voters whose qualifications are clearly defined, and it provides for the immediate expulsion from Congress of any further cause of sectional agitation. Mr. Seward's substitute provides for the immediate admission of Kansas, with a constitution adopted by an unofficial and revolutionary assembly, chosen by voters with no legally prescribed qualifications, held in open defiance of the laws of the Territory, and ratified by the irregular votes of a mere party, and that party in a state of rebellion. If a desire of continued agitation for bad political purposes does not control the councils of the opponents of Mr. Douglas' bill, we are unable to comprehend the motives which superinduce conduct so unreasonable and criminal.

*Extracts from Mr. Douglas' reply to Mr. Collamer, April 4, 1856.*

Mr. President, I have said enough to bring back the points to the position in which I left them in my former speech. I am not going to follow the senator from Vermont through all his criticisms on the majority report. They are not of a character which call for a reply at this time, nor would it be fair to detain the Senate for that purpose at this late hour.

The senator from Vermont has explained what he meant by the word "experiment" in his minority report—the natural, and perhaps unavoidable, consequence of which would be violence and bloodshed. He says he alluded to the experiment of the Nebraska bill, by which the question of slavery was, for the first time in our history, left to the decision of the people. What is the objection to leaving the decision of that, as well as all other local and domestic questions, to the people who are immediately interested in it?

His objection is that it has a tendency to bring opposing elements and inflammable materials into collision from which violence may be apprehended. Does not the same objection apply to all other questions which involve the interests and excite the passions of men as well as the question of slavery? Does it not apply to the Maine liquor law, to railroad controversies, to taxation, to schools, to the location of county-seats, to the division of counties? in short, does it not apply to all questions of legislation which affect the property and enlist the feelings and passions of the community? If the objection be a valid one against the Nebraska bill in respect to the slavery question, it applies in a greater or less degree to every other subject of legislation in proportion as it affects the interests and feelings of the people. It is an objection to the fundamental principles upon which all free governments rest, and which, when admitted to be valid, drives us irresistibly to despotism. The argument is that the people should not be permitted to vote upon a question involving their social and domestic systems, lest there might arise a diversity of opinion which might possibly degenerate into quarrels and controversies, and terminate in violence! Hence, it would seem to follow, that if the people were allowed any voice in making their own laws it should be confined to those insignificant questions in which they feel no interest, and in regard to which there could be no probability of a diversity of opinion! Precious boon—to allow the people to vote when they feel no interest in the question, and deny them the privilege when they do, for fear they will differ in opinion and become excited about it! This is "the experiment"—"the vice of a mistaken law"—to which the senator from Vermont traces all the difficulties in Kansas! He seems to be under the impression that this "experiment" is now introduced into our legislation for the first time in respect to the slavery question by the Nebraska bill! He makes the Nebraska act a far more important measure—one reflecting infinitely more credit upon its author than I ever claimed for it! I was under the impression that the same principle, or experiment, as he prefers to call it, was involved and affirmed in the compromise measures of 1850, and incorporated into the platforms of the whig party and of the democratic party at Baltimore in 1852, as a rule of action by which each party pledged itself to be governed in all future controversies upon the slavery question. Did not the acts for the organization of the Territories of Utah and New Mexico try the same "experiment?" Were not those acts based on the same principle? Did not those acts "leave the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States," with the guarantee that, when admitted into the Union, they should be received "with or without slavery," as their constitution should provide at the time of admission? Did violence and bloodshed result as the natural, and perhaps unavoidable, consequences of this experiment in 1850? Have any such consequences resulted from the same experiment in Nebraska in 1854? If violence and bloodshed are the natural consequences of such an experiment, why have not the same causes produced like effects elsewhere as well as in Kansas? I would like to have this inquiry answered by the senator from Vermont, or by the senator from New York, (Mr. SEWARD,) who has endorsed his report and pledged himself to make good its positions. I will give them the benefit of my answer now. There were no Emigrant Aid Societies in 1850. There were no organized systems of foreign interference in either of these Territories? The Emigrant Aid Societies have not extended their operations to Nebraska! The "experiment" of self-government—that "vice of a mistaken law"—has had fair play in Nebraska; hence nothing has occurred in that Territory to disturb the peace and quiet of the inhabitants. On the contrary, in Kansas, where there has been organized foreign interference—where the Emigrant Aid Societies concentrated all their efforts to control the domestic institutions and local legislation of the Territory—violence and bloodshed have resulted as the natural consequence, not of the "vice of a mistaken law," but of their experiment of foreign interference with the domestic concerns of a distant Territory!

But the senator from Vermont has made one concession for which I return him my acknowledgments. He admits that, by the Constitution of the United States, each State has a right to decide the slavery question for itself, and that this right could have been exercised by the people of Kansas when they should form a constitution, preparatory to their admission into the Union, even if the Nebraska bill had not repealed the Missouri compromise. I thank him for this admission. I hope those with whom he acts will endorse the proposition. Then I would like to have him and them explain what harm the repeal has done, and why they desire to have it restored? If Kansas could have become a slave State before as well as now, what is the use of restoring the Missouri compromise?

Mr. SEWARD. The honorable senator will excuse me for calling his attention to a misapprehension under which he labors with regard to the remark of the senator from Vermont who is now absent, which is the only reason why I interpose.

Mr. DOUGLAS. I yield the floor with pleasure.

Mr. SEWARD. I heard a large portion of the senator's speech, and I did not understand him to say that a State would have the right to come into the Union with or without slavery, as her people pleased, if the compromise act had not been repealed. I understood him to say that, after coming in, it would have the right to establish or prohibit slavery.

Mr. TOOMBS and several other senators. No, no.

Mr. DOUGLAS. On the contrary, he took the distinct ground that a State, when its people assembled to form a constitution, preparatory to admission, had the right to come in with or without slavery, even under the Missouri compromise.

Mr. SEWARD. I did not hear that.

Mr. DOUGLAS. My colleague came to the same conclusion the other day in his speech. We seem to be making converts to the true doctrine. It is a sound constitutional principle. If we get men to admit that a State has the right when she forms her constitution either to have slavery or not, to adopt or reject it, as she pleases, it is a pretty good step towards the doctrine of the Nebraska bill. When that admission is made, I want to know what you all mean when you talk about a breach of faith in the repeal of the Missouri compromise? You have all been in the habit of saying on the stump, and wherever else you had the opportunity, that by the Nebraska bill we had broken a covenant which dedicated Kansas and Nebraska to freedom "FOREVER." We are now told that "forever" means "hereafter," and lasts only until there are people enough to form a State, and that no particular number is required for that purpose.

The senator from Vermont attempts to ridicule the Nebraska bill because it contains a provision declaring the Constitution of the United States to be in force in the Territory. He desires to know who ever doubted that such would be the case without that provision? Who was over silly enough to suppose that the constitution could be extended by law over a Territory which it did not reach without such law? I will answer his question. I will tell him the man. It was no less a person than Daniel Webster—New England's great statesman, whom she delighted to call the great expounder of the constitution. Senators who were then members of this body have not forgotten, and will not soon forget, the debate between Mr. Webster and Mr. Calhoun upon this very point, in which the former contended that the Constitution of the United States did not extend over the Territories without an act of Congress to that effect; while, on the other hand, the great Carolinian insisted that the constitution was coextensive with the limits and covered all the Territories pertaining to the republic. Without endorsing the peculiar opinions of Mr. Webster on this point, Mr. Clay did not hesitate, in deference to them, to adopt, in the Compromise of 1850, the identical provision which the senator from Vermont now attempts to ridicule, under the supposition that I introduced it into the Nebraska act for the first time in our legislation. I copied the provision from the compromise measures of 1850 for the same reasons which induced Mr. Clay to adopt it, although it is but fair to say that I never did concur in the opinion of Mr. Webster that the constitution did not apply to the Territories without an act of Congress carrying it there.

Mr. President, I have a few words to say to the senator from New York [Mr. Seward] before I close my remarks. On the day I presented to the Senate the report of the Committee on Territories, and immediately after the minority report was read at the Secretary's desk, he rose and volunteered the pledge that he would make good every position affirmed by it. As he has the floor for the next speech upon this question, he will be expected to redeem this pledge, or acknowledge his inability to do so. One of these positions is, that the "experiment" of allowing the people to settle the slavery question for themselves in Territories preparatory to their admission into the Union was introduced into our legislation for the first time in the history of this republic in the Kansas-Nebraska act; and that, if violence resulted from this experiment as a natural, and perhaps unavoidable, consequence, it was the "vice of a mistaken law." I call on the senator from New York to sustain the truth of this allegation. I desire him to answer specifically whether the compromise measures of 1850 did not leave the people of New Mexico and Utah perfectly free to decide the slavery question for themselves, and guaranty their admission into the Union with or without slavery, as their constitution should provide at the time of admission? I ask him if he did not oppose the bills for the organization of those Territories at that time, for the reason that they did not contain the Wilmot proviso, prohibiting slavery, and for the reason that they did contain the guarantee that they should be admitted with or without slavery, as they should decide for themselves? When he answers this question, I would like to have him explain at the same time whether he did not stand pledged in 1852 to sustain the whig Baltimore platform, and to support General Scott, standing on that platform "with the resolutions annexed," to use his emphatic language; and whether those resolutions did not bind General Scott, and the party supporting him, to carry out in good faith the compromise measures of 1850 "in substance and in principle?" I desire a direct answer on these points, in order that the Senate may judge how far he redeems his pledge to make good the positions of the minority report. I would like to have him explain the difference between the "experiment" of the compromise measures of 1850 and of the Kansas-Nebraska act of 1854, in allowing the people to decide

the slavery question for themselves, and whether that principle in each case was equally the "vice of a mistaken law?" If he shall answer that he did regard both measures in the same light, I should be gratified if he will explain how it was that he united with the whig party in 1852 to sustain the "vice of that mistaken law," and now calls upon all the odds and ends, fragments and portions, of parties and isms, to merge all differences on other points, and form a *fascion* with him on the isolated point of eradicating this "vice of a mistaken law" in the name of freedom and humanity? While he is portraying the beauties of negro freedom and equality, and demonstrating the propriety of sacrificing the political and constitutional rights of 20,000,000 of white people for the benefit of 3,000,000 of negroes, I would be glad if he would point out the advantages which the negro will derive from the admission of Kansas with the Topeka constitution. That constitution provides that as long as Kansas shall be a State, as long as water runs and grass grows, no negro, FREE or slave, shall ever live or breathe under that constitution.

Mr. SEWARD. Does the senator wish me to answer now?

Mr. DOUGLAS. Yes, sir.

Mr. SEWARD. Then, my answer is, that, such being the constitution, he is wrong in his premises that I am desirous to admit the State of Kansas for the benefit of the negro. It must be for the benefit of the white man.

Mr. DOUGLAS. Am I to understand the senator that he has abandoned the cause of the negro upon the ground that his freedom and equality are inconsistent with the rights of the white man? What has become of his professions of sympathy for the poor negro? What are we to think of the sincerity of his professions upon this subject?

Mr. SEWARD. That is another thing.

Mr. DOUGLAS. That is the very thing. If all other considerations are to be made to yield to the paramount object of prohibiting slavery in Kansas upon the ground that the inequality which it imposes is unjust to the negro, will that injustice be removed by adopting a constitution which in effect declares that the negro, whether free or slave, shall never tread the soil, nor drink the water, nor breathe the air of Kansas? The senator from New York admits that the constitution with which he proposes by his bill to admit Kansas contains such a provision. Under the code of laws enacted by the territorial legislature of Kansas, which the senator, in common with his party, professes to consider monstrous and barbarous, a negro may go to Kansas and be protected in all his rights, so long as he obeys the laws of the land. In order to get rid of those laws, the senator from New York proposes to give effect to a constitutional provision which is designed to prevent the negro forever from entering the State!

I should like to hear from the senator from Massachusetts on this point. I believe he took particular pains a few years ago to arraign the State of Illinois for inserting a similar clause in her constitution.

Mr. SUMNER. Never.

Mr. DOUGLAS. Well, perhaps it was his predecessor, [Mr. Winthrop.] Upon reflection, I think it was. I recollect that it once became my duty to vindicate the right of my own State to insert such a clause in her constitution against the assaults of a Massachusetts senator. Had the present senator been here at that time, and found it necessary to have spoken on the subject, is it assuming too much to venture the opinion that he would have joined in that condemnation?

Mr. SUMNER. I should condemn it, certainly.

Mr. DOUGLAS. Then, will the senator approve in the constitution of Kansas what he condemns in the constitution of Illinois? I would like to hear the senator's response to this inquiry. If such a provision was wrong in Illinois, is it right in Kansas? Had not the democratic State of Illinois as good a right to adopt such a provision as the free-soil party of Kansas? Will the senator from Massachusetts vote for the bill introduced by the senator from New York to admit Kansas, at a time when she has not one-third of the requisite population, with such a constitution?

I do not wish to be misunderstood on this point. I object to the admission of Kansas at this time, and under existing circumstances, on entirely different grounds. I affirm the right of Illinois to put such a clause in her constitution. The people of Illinois had a right to do as they pleased on that subject. We tried slavery while a Territory, notwithstanding the ordinance of 1787, until we found that in our climate and with our productions it was not good for us to retain it, and for that reason we abolished and prohibited it. When we decided that Illinois should be a free State we also determined that it should be a white State. We did not believe in the equality of the negro with the white man, and hence were opposed to a mixture of the races. The constitution of Illinois was made by white men for the benefit of white men. The same principle of State rights and State equality which authorized Illinois to abolish slavery secured to each other State the privilege of retaining it if it chose. The same principle which authorized Illinois to exclude the free negro allows each other State to receive him if agreeable to her tastes and consistent with her interests. We are perfectly content with the practical operation of this great principle, which teaches the people of each separate community to mind their own business, and accord the same right to their neighbors. Hence I should have no controversy with the senator from New York, or his political associates, in regard to this particular clause in the Kansas constitution, did they not claim the right, and insist that it is their duty, to examine the provisions of the constitu-

tion of each State applying for admission, and then either to admit or reject the application, according as they may approve or disapprove the constitution. It is on this ground that they claim the right to inquire whether the constitution prohibits or protects slavery, and to vote for a free State and against a slave State. It was on this ground that the northern States voted against the admission of Missouri in 1821—one year after the adoption of the Missouri Compromise—because the constitution had a similar provision against free negroes to the one in the Kansas constitution. Hence I desire to learn from the senator from New York whether he and his sympathizing associates do really approve of a constitutional provision which shall deny to the negro forever, not merely the right to enjoy the same liberty accorded to the white man, but also the right to live and breathe within the limits of the proposed State of Kansas?

Mr. SEWARD. Will the honorable senator allow me to answer now?

Mr. DOUGLAS. Yes, sir.

Mr. SEWARD. I need scarcely inform the honorable senator that I do not approve of any such provision in any constitution in the world. I never did, and I never shall, vote to approve or sanction in any constitution, or in any law, a provision which tends to keep any man being, any member of the human family to which I belong, in a condition of degradation below the position which I occupy myself except for his own fault or crime.

Mr. DOUGLAS. The senator does not approve of this provision; and never can, for the reason that it does not put the negro on an equality with himself! Then, will he vote for admitting Kansas in this irregular manner, and without the requisite population, merely because her constitution has a provision which keeps slaves from going into the Territory, together with another clause "which tends to keep a man being a member of the human family to which he belongs—in a condition of degradation below the position which he occupies himself?" Yet, if he votes for his own bill to admit Kansas with the Topeka constitution, according to his own doctrine he does vote to sanction a provision to keep the negro out altogether; he will not allow a negro to come in a condition either below him or above him!

Mr. SEWARD. You can take it either way—above or below.

Mr. DOUGLAS. Yes; he will exclude the negro absolutely if he is below or above him! He will insist upon having the negro upon a footing of entire and perfect equality with himself. Yet, if his bill passes, and Kansas is admitted with the constitution which has been formed and presented here, all negroes, both free and slave, are forever prohibited from entering the State of Kansas by the terms of the instrument. He cannot escape the responsibility of this result on the plea that he does not vote directly to endorse and sanction the constitution in all its parts; for his doctrine, and the doctrine of his party, is that they not only have the right, but that it is their duty, to examine the constitution in all its parts, and vote for it or against it, according as they approve or disapprove of its provisions, and especially those provisions which degrade the negro below the level of the white man. He must abandon all the principles to which his life has been devoted; he must abandon the creed of the party of which he is the acknowledged leader before he can vote for his own bill. The black republican party was organized and founded on the fundamental principle of perfect and entire equality of rights and privileges between the negro and the white man—an equality secured and guaranteed by a law higher than the Constitution of the United States. In your creed, as proclaimed to the world, you stand pledged against "the admission of any more slave States;"

To repeal the fugitive slave law;

To abolish the slave trade between the States;

To prohibit slavery in the District of Columbia;

To restore the prohibition on Kansas and Nebraska; and

To acquire no more territory unless slavery shall be first prohibited.

This is your creed, authoritatively proclaimed. I trust there is to be no evading or dodging the issue—no lowering of the flag. Let each party stand by its principles and the issues as you have presented them and we have accepted them. Let us have a fair, bold fight before the people, and then let the verdict be pronounced.

Mr. SEWARD. You will have it.

Mr. DOUGLAS. I rejoice in this assurance. I trust the senator will be able to bring his troops up to the line, and to hold them there. I trust there is to be no lowering of the flag—no abandonment or change of the issues. There are rumors afloat that you are about to strike your colors; that you propose to surrender each one of these issues, not because you do not profess to be right, but because you cannot succeed in the right; that you propose to throw overboard all the bold men who distinguished themselves in your service in fighting the anti-Nebraska fight, and to take a new man, who, in consequence of not being committed to either side, will be enabled to cheat somebody by getting votes from both sides! Rumor says that all your veteran generals who have received scars and wounds in the anti-Nebraska campaign are now considered unfit to command, and are to be laid aside in order to take up some new man who has not antagonized with the great principles of self-government and State equality. Rumors says that, in pursuance of this line of policy, you dare not allow your committees in the House of Representatives to bring in bills to redeem your pledges and carry out your principles; that there is to be no bill passed in your fusion House to repeal the Kansas-Nebraska act—none to repeal the fugitive-slave law—none to abolish the slave trade between the States—none to abolish slavery in the District of Columbia—none to redeem any one of

your address, or carry out any one of your principles, upon which you secured a majority in the House by a Union with northern knavery-nothingism. Rumor says that your committee was arranged with the view of keeping all these questions in the back ground until after the presidential election, in order that the agitation may be reopened with better prospects of success when power shall have been obtained under the surges of a new man, who has not been crippled in the great battle. Would it not be a curious spectacle to see this great anti-Nebraska or black republican party—which, less than eighteen months ago, proclaimed a war of extermination, in which no quarter was to be granted or received, and no prisoners to be taken—skirmishing to avoid a pitched battle, and get an opportunity to retreat from the face of those whom they determined to hang and burn and torture with all the refinements of cruelty which their vengeance could devise? Are the offices and patronage of government so much more important to you than your principles that you feel it your duty to sacrifice your creed, and the men identified with it, in order to get power? Are you prepared to ignore the material points in issue for fear that they will compromise you in the presidential election?

**MR. WADE.** We will win you then.

**MR. DOUGLAS.** That remains to be seen. We are prepared to give you a fair fight on the issues you have tendered and we accepted. Let the presidential contest be one of principle alone; let the principles involved be distinctly stated and boldly met, without any attempt at concealment or equivocation; let the result be a verdict of approval or disapproval so emphatic that it cannot be misunderstood. One year ago you promised us a fair fight in the open field upon the principles of the Kansas-Nebraska act! You then unfurled your banner and bore it aloft in the hands of your own favorite and tried leaders, with your principles emblazoned upon it? Are you now preparing to lower your flag—to throw overboard all your tried men who have rendered service in your cause—and issue a search warrant in hopes of finding a new man, who has not antagonized with anybody, and whose principles are unknown, for the purpose of cheating somebody by getting votes from all sorts of men? Let us have an open and a fair fight. [Applause in the galleries.]

**THE CHAIR.** The galleries will be cleared if these demonstrations are renewed.

**MR. DOUGLAS.** I will not pursue the subject further.

[No. 24]

POWERS OF THE GOVERNMENT OF THE UNITED STATES—  
FEDERAL, STATE, AND TERRITORIAL.

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SPEECH

OF

HON. JAMES A. STEWART,

OF MARYLAND,

ON

AFRICAN SLAVERY,

ITS STATUS—NATURAL, MORAL, SOCIAL, LEGAL, AND, CONSTITUTIONAL;

AND

THE ORIGIN, PROGRESS, PRESENT CONDITION, AND FUTURE DESTINY OF THE UNITED STATES,  
CONSIDERED IN CONNECTION WITH AFRICAN SLAVERY AS A PART OF ITS SOCIAL SYSTEM,  
WITH THE BEARINGS OF THAT INSTITUTION UPON THE INTERESTS OF ALL SECTIONS OF  
THE UNION, AND UPON THE AFRICAN RACE.

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DELIVERED IN THE HOUSE OF REPRESENTATIVES, JULY 23, 1856.

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WASHINGTON:  
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1856.

## THE SLAVERY QUESTION.

The House being in the Committee of the Whole on the state of the Union—

Mr. STEWART said:

Mr. CHAIRMAN: So far as I have the opportunity, under the circumstances, I propose dispassionately to discuss some of the principles which lay at the foundation of our Government, more especially as they apply to the status of negro slavery as it existed at the time of the adoption of the Constitution, anterior and subsequent thereto; the establishment of territorial governments, and the formation of new States, as an additional and provisional element; with some general miscellaneous remarks, applicable to the disturbed state of our affairs, and going to show that negro slavery, as it has been employed here, has been beneficial to the country, and promotive of the happiness of the negro race. In the course of my argument, I shall undertake to demonstrate that the Federal Government, the State and Territorial governments, all being component parts and parcel, of one entirety, so far as social and municipal regulations are concerned, are *pro-slavery* by necessary consequence; that no rightful and constitutional power exists, under the system, to check or limit the natural internal increase of slavery, except through the State governments, either of their own volition, or by an amendment of the Federal Constitution, as therein provided for. The General Government is merely possessed of delegated authority, limited to the specific objects confided to its care. The residuum of power is retained by the States or the people thereof. The General Government certainly cannot impart an authority it does not itself possess. "*Potestas delegata non potest delegari.*"

This Government may consent, in the exercise of its express authority, that the territory intrusted to its management for a specific object, may be occupied. Municipal government may thus be organized by the people in the said territory, not in conflict with the Constitution, or the rights of the States, because the jurisdictional authority of the Federal Government cannot, *per altum* or *per se*, exceed constitutional limitation.

When the General Government does consent, the original power in the people of the Territories develops itself, as a matter of necessary consequence, from the principle of inherent authority in the people, qualified by its own acquiescence, *in totidem verbis*, or from the very nature of the case, through constitutional limitations. This native power may be exercised, in a limited degree, by the consent of the parties interested; that is, the General Government, as the *fiduciary* of the people of the States on the one side, and the people of the Territory on the other, to be indicated by the compact or organic law establishing the territorial government. The said General Government has no rightful power to prescribe for them what sort of municipal regulations they shall adopt; but is bound to protect the citizens thereof in the possession and enjoyment of their property of every description, slaves and other chattels included; and cannot prohibit its introduction, or discriminate between different kinds of property. Negro slavery, with their other civil rights, is necessarily carried with them into the Territories by force of the compact of government between the States, because that government over the States, and the people thereof, is, in its protection of the rights of property and citizenship, a complete unit, and cannot make distinctions as to different species of property. If the people of the Territories should assume upon themselves to prohibit the introduction of the slavery institution before they had formed a State government, such a proceeding would be a violation of the constitutional rights of slaveholders. In such a case, any citizen, that chose to contest it, could invoke the authority of the General Government to vindicate his rights; or he may, from deference to the matured sentiment of the people of the Territories, under a regularly organized territorial government, waive his rights, and from comity acquiesce in their determination.

Whilst the said people are in their territorial condition, or in the process of forming a State constitution, the Congress of the United States has no right to prescribe for them what sort of

domestic institutions they shall have, and cannot, therefore, rightfully intervene in directing their action upon such subjects. Such an interference would be a gross usurpation, and without a shadow of lawful authority.

The principles of the Kansas-Nebraska law rest upon and involve these considerations; and from its spirit and temper, in deferring the settlement of all these matters to the people of the Territories when they come to consider what sort of permanent government they will establish for themselves, commend itself to the support of the friends of popular free government, and should be firmly sustained. Our whole system of government, Federal, State, Territorial, and Municipal, is practical, utilitarian, and judicious—not utopian, transcendental, and abstract—essentially founded upon the habits, customs, local interests, and peculiar circumstances of the people as they existed at the time of its formation;—and, so far as its founders reasonably contemplated it would be operative upon their future progress and development;—the form of government was adopted to suit the interests of the people—not upon the principle that the people were to be put upon a Procrustean bed, then and thereafter, and stretched to suit an abstract and arbitrary theory. When once it was demanded to know of Solon, the great Athenian lawgiver, what sort of a constitution he had prepared for the Athenians, that wise, philosophical, and practical statesman said, “that he had furnished them with as good a constitution and form of government as the people would bear, looking to the habits, manners, and genius, that characterized them.” Whilst some have said that that form of government is best which is best administered, the philosophy of ours esteems that best which is most adapted to protect and secure the happiness and actual interests of the people. The founders of our Government, in order to adjust the system they were devising to meet the local views of the people, reserved to the people of the States, through their State organizations, ample, and all the residuary mass of, power for this purpose;—delegating, at the same time, to the General Government, such other authority as was necessary to be exercised by the government of the whole, and to which the States, separately, were not as competent, and from the responsibility of which it was a wise policy they should be relieved. No serious difference of opinion upon such general matters as were to be confided to the Federal Government, could be seriously apprehended. Should any peculiar theories or notions exist in regard to mere local and municipal institutions, the States, immediately and directly interested, should settle it to suit their own views—thus disembarassing the General Government by relieving it from the necessity of officious intermeddling in mere domestic quarrels and arrangements. This is a most beautiful and prominent feature, and necessarily one of the reserved rights, because it is essential for local purposes, and does not conflict at all with the more general considerations. The State, too, that has original and sovereign power, may again subdivide her authority, parcel it out to municipal corporations, counties, cities, towns, &c., for still more local purposes and objects. The principle of the Kansas-Nebraska act, in its formation and tendency, runs a parallel with this theory, as far

as it can, as a system, be made applicable to a territorial government. Under our system, the *moral* of the slavery question is not an open one, because it is *res adjudicata*, and authoritatively settled by the founders of the Government in the establishment of the present Constitution. This judgment, thus solemnly pronounced, is obligatory upon every member of the compact; and all attempts to weaken or destroy its binding force, by abstract and crude discussions, are at war with the letter and spirit of the Constitution, and can only lead to disorder, to disunion, and to an overthrow of the Government.

These views I shall endeavor to argue and insist upon: if successfully maintained, the northern side of these questions will be proved to be rank heresy, and in utter conflict with the orderly arrangement of our Government, essentially and morally revolutionary, and treasonable in purpose and intent, if designed to change the action of the Government in its constitutional force and effect; the South will be vindicated as the true upholder of the pillars of the Constitution; and all good citizens, everywhere, who revere the Government as it is, under which they live and have prospered, should manfully come to the rescue.

What, then, is the character of the Government, so far as slavery is concerned, and what is its declarative authority and express recognition? Will it be seriously denied that it is protective, and preservative of slavery, existing at the time of the adoption of the Constitution, and authorizing its further introduction, *ad libitum*, forever thereafter? Not a syllable against slavery in the States, or within the jurisdictional limits of the Union. No provision for its gradual extinction, but providing for its complete protection and increase. The ninth section of the first article contains an express prohibition upon Congress to enact any law, prior to the year 1808, to prevent the importation of slaves. Let me invite attention to its peculiar phraseology:

“The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808.”

After the year 1808 there is, by the foregoing clause, no prohibition of slavery, and no obligation upon Congress to pass a prohibitory law. Congress can, at any time, repeal the prohibitory laws now upon the statute-book against the slave trade, and the States could then introduce additional slaves. The slave States, it is always maintained by our opponents, have controlled this Government, and they are universally charged with aggression, and a fixed design to extend slavery. Their refusal to admit more slaves from abroad may be relied upon as a full answer to such allegations.

In order that this right to introduce slaves should be placed beyond all contingencies, it is remarkable that in the fifth article, providing for amendments of the Constitution, the amendatory power is expressly denied so as to affect the first and fourth clauses of the ninth section of the first article. Could stronger language be employed, and was any right ever more expressly recognized and protected? The said fifth article declares that—

“The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this

Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, &c.; *Provided, That no amendment which may be made prior to the year 1808, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article.*"

Thus it will be observed that an amendment of the Constitution would have to be resorted to now to prohibit the States from introducing slaves from abroad, if Congress would not legislate against it.

Here, then, is the strongest and most unqualified evidence of the recognition of slavery. The third clause of section two, article four, provides that—

"No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

This clause, to the extent to which it goes, protects slavery in any State against the positive laws or regulations thereof. If no State had such laws or regulations, and passed none, then the aforesaid clause of the Constitution was inoperative, practically, and slavery, as a legal species of property, could be carried there just as anything else in the shape of property. This right of the master results from his ownership and the right to the custody and services of the slave by the common law. It is the same right by which bail may arrest their principal in another State. The Constitution and laws of the United States do not confer, but secure, this right to reclaim fugitive slaves against State legislation. In Peters's Digest of the Reports of the Supreme Court of the United States, page 536, &c., it will be found that the said court has placed this matter beyond all cavil:

"A citizen of another State from which a slave absconded into the State of Pennsylvania, may pursue and take him without warrant, and use as much force as is necessary to carry him back to his residence. He may be arrested on Sunday—in the night—in the house of another, if no breach of the peace is committed. This right of the master results from his ownership, and the right to the custody and service of the slave by the common law.

"The Constitution and laws of the United States do not confer, but secure, this right to reclaim fugitive slaves against the laws of the State. It is no offense against the laws of the State for a master to take his absconding slave to the State from which he absconded. No person has a right to oppose the master in reclaiming his slave, or to demand proof of property. The master may use force in repelling such opposition."

The right of property in the owner of the slave in another State is placed high above all State regulations, and so unanswerably announced by our highest court in the land.

The Constitution also, in the third clause of the second section of the first article, in making provision for representation and taxation, expressly recognizes the existence of slaves as the most valuable of property in the adjustment of its representative and taxable basis.

The Supreme Court has on sundry occasions, clearly and firmly maintained and enforced this right. I will refer to a most grave and important case, which was brought before it, and which was imposing and serious in its bearings, more especially as it involved exciting questions of State sovereignty—Pennsylvania and Maryland, loyal and neighboring States, being immediately concerned.

This was the case of Prigg, a citizen of Maryland, against the Commonwealth of Pennsylvania. Justice Story, a most distinguished jurist, and of whom Massachusetts may well be proud, as one of her illustrious sons; with all the moral grandeur and firmness in keeping with such a cause, delivered the decision of this high court.

In the syllabus of the case the law is thus stated:

"It will probably be found, when we look to the character of the Constitution of the United States itself—the objects which it seeks to attain—the power which it employs—the duties which it enjoins, and the rights which it secures—as well as to the known historical facts that many of its provisions were matters of compromise, of opposing interests and opinions—that no uniform rule of interpretation can be applied; which may not allow, even if it does not positively demand, many modifications in its application to particular clauses. Perhaps the safest rule of interpretation, after all, will be found to be to look to the nature and object of the particular powers, duties, rights, with all the light and aid of contemporary history; and to give to the words of each just such operation and force, consistent with their legitimate meaning, as may fairly secure and attain the ends proposed. It is historically well known that the object of the clause in the Constitution, relating to persons owing service and labor in one State, escaping into another, was to secure to the citizens of the slaveholding States the complete right and title of ownership in their slaves, as property, in every State of the Union, into which they might escape from the State where they were held in servitude.

"The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding States; and, indeed, was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted that it constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevailing in the non-slaveholding States, by preventing them from intermeddling with, or obstructing, or abolishing, the rights of the owners of slaves. The clause in the Constitution relating to fugitives from labor manifestly contemplates the existence of a positive, unqualified right, on the part of the owner of the slave, which no State law or regulation can in any way qualify, regulate, control, or restrain. Any State law or regulation which interrupts, limits, delays, or postpones the rights of the owner to the immediate command of his service or labor, operates, *pro tanto*, a discharge of the slave therefrom. The owner of a fugitive slave has the same right to seize and take him, in a State to which he has escaped, that he has in the State from which he fled. The court have not the slightest hesitation in holding that under and in virtue of the Constitution, the owner of the slave is clothed with the authority, in every State of the Union, to seize and recapture his slave.

"The right to seize and retake fugitive slaves, and the duty to deliver them up, in whatever State of the Union they may be found, is, under the Constitution, recognized as an absolute, positive right and duty, pervading the whole Union with an equal and supreme force, uncontrolled, and uncontrollable, by State sovereignty and State legislation. The right and duty are coextensive and uniform, in remedy and operation, throughout the whole Union. The owner has the same security, and the same remedial justice, and the same exemption, from State regulations and control, through however many States he may pass with the fugitive slave in his possession, in transitu to his domicile."—16 Peters's Reports, p. 540; adjudged in 1842.

This clear and unqualified announcement of the law, from the highest tribunal in the country, pronounced by the ablest judge that has ever ornamented the judicial history of the State of Massachusetts, is irresistibly conclusive. From its scope and tenor it may well be maintained; that, under the Constitution of the United States, negroes, free or slave, are no parties to the covenant; that "We, the people," in the preamble to the Constitution, does not include them; that this spurious, vicious, and revolting doctrine of the equality of the negro and the white man, in this country, at least, is a monstrous heresy; that

within our jurisdictional limits as a nation, negroes are to be presumed and considered slaves and property, and that under the operation of this clause in relation to fugitive slaves and their speedy recapture, under the lucid exposition of our highest court for its interpretation, the same presumption must be uniform and maintainable in a non-slaveholding as well as a slaveholding State, more especially if they have no local law declaring the status of the negro race. The Constitution of the United States has, beyond all question, recognized and effectively ordained and established slavery as to the negro race. Let us further ascertain what had been its previous history, and which the founders of our Government had necessarily before them; and whether they had created such a state of things; or if it had existed by the great law of nations, which is said to be but the application of the law of nature to the affairs of nations.

In 10 Wheaton's Reports of the Decisions of the Supreme Court of the United States, page 66, and decided as late as the year 1825, in the case of the Antelope, Chief Justice Marshall, than whom an abler, purer, or more enlightened judge never sat on any bench, pronounced the judgment of that court. He says:

"The question, whether the slave trade is prohibited by the law of nations, has been seriously propounded, and both the affirmative and negative of the proposition have been maintained with equal earnestness. But from the earliest times war has existed, and war confers rights in which all have acquiesced. Amongst the most enlightened nations of antiquity one of these was, that the victor might enslave the vanquished.

"That which was the usage of all could not be pronounced repugnant to the law of nations, which is certainly to be tried by the test of general usage. That which has received the assent of all must be the law of all. Throughout the whole extent of Africa, so far as we know its history, it is still the law of nations, that prisoners are slaves. A jurist could not say that a practice thus supported was illegal. In this commerce, thus sanctioned by universal assent, every nation has an equal right to engage. No principle of general law is more universally acknowledged, than the perfect equality of nations—Russia and Geneva have equal rights.

"It results from this equality, that no one can rightfully impose a rule on another. Each legislates for itself. A right, then, which is vested in all, by the consent of all, can be divested only by consent; and this trade, in which all have participated, must remain lawful to those who cannot be induced to relinquish it. As no nation can prescribe a rule for others, none can make a law of nations, (not even Massachusetts,) and this traffic remains lawful to those whose Governments have not forbidden it."

Need anything be more conclusive to us than this decision of our highest court? Our Government has not, in its organism, constitutionally placed any prohibition on the "slave trade," so called—simply left to the discretion of Congress if deemed by them inexpedient, thus making it, manifest, that our forefathers had none of those morbid sentiments upon this subject which now exanimate a portion of their descendants; or, if they held any such feelings, they did not suffer them to exist as stumbling-blocks to the formation of a Union of all the States.

All history bears testimony that the Portuguese commenced the African slave trade in the year 1443. They were followed by the Spaniards and by the Dutch. In the years 1585-88, charters were granted by Queen Elizabeth, encouraging the slave trade. The African company was established in England in 1672; and in the year 1669 they entered into an agreement to supply the

Spaniards with slaves. In the year 1620, slaves were first introduced into Virginia. Slavery originated, *ex jure gentium*, by reason of captivity.

Incidentally I will here put a case. Suppose a sensible philanthropist was called on to decide upon the morality of the following case: He is on the coast of Africa with competent means. He also witnessed one thousand captives taken in war in that barbarous and benighted country, and without any agency of his were about to meet the dread penalty, according to the laws of war, as there understood. He found that he could purchase their ransom for a small price, and save their lives, by having them transported to a cotton plantation in the south of this Union, where he knew they would be amply provided for, and their general condition improved. What would true Christianity, philanthropy, and the ordinary feelings of humanity, prompt him to do? Retain his money, and let them be slaughtered, or advance the price, and save the miserable wretches from certain destruction? Could he thus save them, and refused to do so, would he be justified in *foro conscientie*? Suppose he took also into consideration any incidental profits, arising from the arrangement, regarding at the same time the certain improvement in the comfort of the negroes, what school of ethics could pronounce him a barbarous Christian? Suppose after he got them settled, and in process of time their numbers became great, and their happiness and comfort increased *pari passu*, and their liberation would destroy the same, and their absolute emancipation would result in incalculable mischief and calamity to both races, white and black, ought he to adopt such a policy?

These are grave questions for the consideration of the benevolent and prudential. "All things are not expedient;" and I submit, if our northern professed philanthropists, who have means, if they really design to benefit the negro race, should not turn their attention to the condition of the Africans in their native land, where thousands upon thousands are in barbarism and idolatry, more particularly as the slave trade, from its abuses and malpractices, has been abolished? There is an extensive field, without a competitor, for the display of all their kind regards and acts of benevolence in behalf of the negro. The Ethiopian, who cannot change his skin, is utterly uncared for in that great field for benevolent enterprise. Possibly the ways of Providence, that are past finding out, may some day disclose that, by their introduction here, it may be one of those incidents (although greatly in advance of the consummation) by which their ultimate amelioration may be accomplished. It is but a matter of historic justice to give the Spanish Government the benefit of their justification for engaging in the African slave trade. I refer to the preamble to the decree of that Government at Madrid, in December, 1817:

"The introduction of negro slavery into America was one of the first measures which my predecessors dictated for the support and prosperity of those vast regions, [their newly discovered possessions in the West,] soon after their discovery. The impossibility of including the Indians to engage in different useful, though painful labors, arising from their complete ignorance of the conveniences of life, and the very small progress they had made in the arts of social existence, required that the working of the mines, and the

cultivation of the soil, should be committed to hands more robust and active than theirs. This measure, which did not create slavery, but only took advantage of that which existed through the barbarity of the Africans, by saving from death their prisoners, and alleviating their sad condition, far from being prejudicial to the negroes transported to America, conferred upon them, not only the incomparable blessing of being instructed in the knowledge of the true God, but likewise all the advantages which accompany civilization, without subjecting them, in their state of servitude, to a harder condition than that which they endured in freedom."

These are the *rationalia* of Spanish morality. But the Spaniards are not singular in refusing the claimed rights of humanity to Pagans. Their example has been improved upon, and, by its application to the Indian races, has been commended by our Puritan ancestry as worthy of everlasting imitation.

The Puritans of New England, under the influence of religious fanaticism, looked upon the Indians of that region as children of the devil, (or pretended so to think,) and therefore only fit for carnage or servitude; whilst they regarded themselves as the favored sons of Heaven, destined to inherit a promised land, as the Israelites did Canaan. Their whole reasoning is admirably expressed in three resolutions, said to have been adopted by a community in Massachusetts, previous to seizing on a fertile Indian territory:

1st. Resolved, That the earth is the Lord's, and the fullness thereof.

2d. Resolved, That the Lord hath given the inheritance thereof to his saints.

3d. Resolved, That we are the saints.

The South have never been accused of religious fanaticism, and they do not, therefore, place their defense of the institution of slavery upon any such high and saintly ground as that occupied by the Puritans of the East; they simply treat it as a matter of fact in the world's great routine, and award to it all the rights of enlightened and practical humanity. I submit to the candid inquirer after truth, which is the preferable Christianity—that urged by the Spaniard in his decree, or that affirmed, in genuine pharisaical style, in the Massachusetts resolutions of the Puritans? Well may a cool moralist remark, that there is no such thing as absolute perfection; it is all comparative; and that, if the great God himself is governed by his own laws, and may not transcend his own prescribed limits, feeble man certainly ought to possess but that qualified freedom best suited to his nature and adaptability; and that a good Providence wisely overrules the world. I have no doubt the same fanatics that passed the above resolutions in Massachusetts, if they found in practice that they could not be carried out, and they were not able to secure the rich inheritance, would, upon subsequent consideration, have adopted the sentiment referred to in an old, quaint doggerel, and have further resolved,

"That this is a fine world to live in,  
To give, to lend, or to spend in,  
But to beg, or to borrow, or to get one's own,  
Tis the d—dest world that ever was known."

Besides our own Constitution, the decisions of our highest courts, and the law, and practice of nations, the British courts, from which we have derived much of our legal learning, have also sanctioned slavery as a legal institution. Their decisions are but similar exponents of the doctrine *in pari materia*. It is a matter of notorious

history, that both in ancient and modern times, the condition of slavery and the commerce in slaves were sanctioned by the universal practice and law of nations. The first case relating to the African slave trade, is that of *Butts and Penn*, determined in the 29th Charles II., being an action of trover for negroes. The special verdict in this case found that they were regularly bought and sold in India. (2d Keebl., 785.) In a subsequent case, trover was brought for a negro in England. *Holt, C. J.*, said, that trespass was the kind of action, but that trover would lie if the sale was in Virginia. (2d Salk., 244.) In 1689, all the judges of England, with the eminent men who then filled the offices of attorney and solicitor general, concurred in the opinion, that negroes were merchandise within the general terms of the navigation act. (2d Chamber's Opinion of Eminent Lawyers, 263.) The celebrated case of *Somerset*, decided by Lord Mansfield, before our Revolution, whilst it determined that negroes could not be held as slaves in England by reason of what he considered the local law of that realm, recognized the absolute and rightful existence of slavery in the colonies and elsewhere when not prohibited by local law; and as to its non-existence in England, by reason of this local law, this decision of Lord Mansfield is a departure from the current of the English authorities, and has not been followed, but substantially overruled, as assuming to establish a new doctrine. The whole legal policy of Great Britain and also France is fully confirmatory of the legal existence of property in slaves.

Chief Justice Marshall, in the decision before referred to, comments upon the English cases—remarkable for the full illustration of this doctrine—the *Amedie*, the *Fortuna*, and the *Diana*. The last case, the *Diana*, was a Swedish vessel, captured, with a cargo of slaves, by a British cruiser, and condemned in the court of vice admiralty at Sierra Leone. This sentence was reversed on appeal; and Sir William Scott, in pronouncing the sentence of reversal, said:

"The condemnation also took place on a principle which this court cannot, in any manner, recognize, inasmuch as the sentence affirms that the 'slave trade, from motives of humanity, hath been abolished by most civilized nations, and is not, at the present time, legally authorized by any.'"

"This appears to me to be an assertion by its means sustainable." The ship and cargo were restored on the principle that the trade was allowed by the laws of Sweden.

Chief Justice Marshall further remarks:

"The principle common to these cases is, that the legality of the capture of a vessel engaged in the slave trade depends upon the law of the country to which the vessel belongs. If that law gives its sanction to the trade, restitution will be decreed; if that law prohibits it, the vessel and cargo will be condemned as prize."

He further remarks, that this whole subject came on afterwards to be considered in the case of the *Louis*. (2d Dow's Reports, 238.)

The opinion of Sir William Scott in that case demonstrates the attention he had bestowed upon it, and settles the law in the British courts.

The *Louis* was a French vessel, captured on a slaving voyage; before she had purchased any slaves, brought into Sierra Leone, and condemned by the vice admiralty court at that place. On appeal to the court of admiralty in England,

the sentence was reversed. Sir William Scott said, "that this trade could not be pronounced contrary to the law of nations. A court, in the administration of law, cannot attribute criminality to an act when the law imputes none. It must look to the legal standard of morality; and, upon a question of this nature, that standard must be found in the law of nations, as fixed and evidenced by general, ancient, and admitted practice; by treaties, and by the general tenor of the laws and ordinances, and the formal transactions of civilized States. It is pressed as a difficulty, says the learned judge, what is to be done, if a French ship, laden with slaves, is brought in? I answer, without hesitation, restore the possession which has been unlawfully divested; rescind the illegal act done by your own subject." There is no fanaticism in this, but firm and unswerving adherence to the law, administered by a pure and upright and incorruptible judge.

In the case of *Madrazo vs. Willes*, (5 Serg. & Low., 313,) all the judges agreed, and so pronounced, that a foreigner who is not prohibited from carrying on the slave trade by the laws of his own country, may, in a British court of justice, recover damages sustained by him in respect of the wrongful seizure, by a British subject, of a cargo of slaves on board of a ship then employed by him in carrying on the African slave trade. In this case, the declaration stated that the plaintiff was a subject of Spain, and that, on the 12th of July, 1817, at Havana, he was lawfully possessed of a certain brig, and that the brig was lawfully cleared out for a certain voyage in the slave trade, to wit: from Havana to the coast of Africa, and back; and that, on the 13th of January, 1818, on the high seas, to wit: off the Cape of St. Paul's, on the coast of Africa, the defendant seized the brig, with her stores and three hundred slaves, &c., and kept and detained them for a long time, and converted the same to his own use; by means whereof the said brig was prevented from the further prosecution of the said voyage, and the plaintiff deprived of great gains which would have accrued from the slaves, &c. The defendant plead not guilty. At the trial at the London sittings, it appeared that the defendant was a captain in the Royal Navy, and had taken possession of the ship, which was engaged in the slave trade. It occurred to the Lord Chief Justice, at the trial, that the plaintiff was not entitled to recover the value of the slaves in an English court of justice, and accordingly he desired the jury to find their verdict separately for each part of the damage, giving to the defendant liberty to move to reduce the verdict in case the court should agree with him on the point.

The jury found a verdict for the plaintiff; damages \$31,800—being for the deterioration of the ship's stores and goods, £3,000, and for the supposed profit of the cargo of slaves, £18,180. Verdict for the defendant, moved for a rule nisi to reduce the damages to £3,000. By the 47th George III., chapter 46, the slave trade, and all dealings connected with it, were declared unlawful. It follows, therefore, as a consequence, that no one can be allowed to recover damages in respect of a cargo of slaves, &c. Abbott, C. J., said:

"On further consideration, it appears to me that there is no sufficient ground for reducing this verdict," &c.

Bayly, J., said:

"I do not think that there is sufficient doubt to induce us to grant a rule, &c. A British court of justice is always open to the subjects of all countries in amity with us, and they are entitled to compensation for any wrongful act done by a British subject to them," &c.

Holyrood, J., said:

"However much I may regret that any damages can be recoverable for such a subject as this, yet I think we are bound to say that this plaintiff is entitled to them."

Best, J., said:

"It is clear, from the authorities, that the slave trade is not condemned by the general law of nations."

Here, then, is the settled doctrine of the British courts, recognizing slavery on the ocean, with no special municipal law to protect it. What, then, becomes of that modern invention, which declares that slavery cannot have any extra territorial existence, beyond the real authority that creates it? If African slavery is then tolerated on the high seas, with how much more force under our Constitution, where it is a firmly established and regulated institution?

In 11th Peters's Reports, 73, the Supreme Court of the United States have settled the law on the subject of slavery in another class of cases. Certain persons, being slaves in Louisiana, were by their owners taken to France as servants, and were afterwards sent back to New Orleans. The ships bringing them, were, after their arrival, libeled for alleged breaches of the act of Congress of 1818, prohibiting the importation of slaves into the United States. The court held that the act of Congress does not apply to such a case. The object of that law was to put an end to the slave trade. The language of the statute cannot properly be applied to persons of color who were domiciled in the United States, and who were brought back after temporary absence.

In the case of *Mahoney vs. Ashton*, 4 H. & McHenry's Maryland Reports, where a negro woman was carried by her owners as a slave from the Island of Barbadoes to England, and afterwards brought to Maryland, it was held, after full and elaborate argument, that however the laws of Great Britain operate upon persons there claimed as slaves, might interfere to prevent acts of ownership, yet upon bringing the slave into Maryland the relation of master and slave continued; that the condition of slaves does not depend exclusively either on the civil or the feudal law. Our act of Congress, regulating and protecting the conveying negro slaves coastwise, necessarily repudiates the idea of slavery being solely existent and valid in the place of its domicile. As property, like every other variety, it is subject to the general legislation of Congress, to guard, protect, and facilitate its safe and easy removal from one place to another; and the Government of the United States is bound to protect it, unless it be taken to a foreign country for permanency, where its continuance is prohibited by the local law. The celebrated Vattel, a standard author upon the subject of general law, affirms this to be the fixed and established law of property, that it cannot be taken from the owner because he is in a foreign country with it. He lays down this law:

"That the property of an individual does not cease to belong to him on account of his being in a foreign country. It still continues a part of the aggregate wealth of his nation. Any power, therefore, which the lord of the ter-

story might claim over the property of a foreigner, would be equally derogatory to the dignity of the individual owner and to those of the nation of which he is a member."

Slave property being thus protected, under all the laws bearing upon the subject, I submit again, under what earthly pretext of authority can it be asserted that a slaveholder, in going to a Territory of the United States with his slaves, is without protection? On the contrary, he has the whole power and force of the entire Government in this country to secure him in that right; and until a State government is formed, with power in its police regulations to exclude any species of property, it must ever be under theegis of the general superintending authority.

Before the compact of union was formed between the States, they were essentially independent, and were bound by the law of nations in their intercourse with each other. In their confederated capacity, their treatment to each other is made still more respectful in its rights and obligations. The General Government, under the compact between them, is not authorized to exercise any attribute to favor the views of any one to the prejudice of another. No State can properly pass any law to prohibit the citizens of another State from traveling through its dominions with any property they may possess. All such enactments would be clear breaches of international comity, and would justly subject herself, by such unnatural conduct, to the charge of bad neighborhood. The law itself would be a nullity, because in conflict with the authority delegated to the General Government. Besides, the well regulated basis of international intercourse in this enlightened age of the world, would not sustain such a relic of barbarism. In Baldwin's Reports 578, there is an opinion pronounced by the justly celebrated Judge Baldwin, of Pennsylvania, which most luminously and conclusively illustrates this doctrine. The judge discusses the questions in all their bearing, fully imbued with that patriotic inspiration flowing from the genius of our complex constitutional system of government. It is none the worse, I hope, because it comes from a distinguished jurist of the Keystone State. He justly remarks, amongst other things:

"When the law ceases to be the test of right and remedy—when individuals undertake to be its administrators by rules of their own adoption, the bands of society are as effectually broken, by the severance of one link, as if the whole were dissolved."

A negro in a Territory of the United States, there being no competent local law prescribing his status, must necessarily be presumed to be a slave. This is his condition *prima facie*. This conclusion is virtually admitted by the advocates of negro equality themselves; else, why do they insist upon legislative restriction and prohibition by Congress?

The Kansas-Nebraska law leaves this legal question in the hands of the courts, and submits its political settlement to the voice of the people in the Territories, when they are organized. The question is, not whether the General Government has the right to institute slavery in the Territories by an act of Congress; because, as I have shown, it is necessarily carried there by virtue of right under the constitutional compact, and Congress has no power given to it to restrict it. Judge McLean, of the Supreme Court, not from the bench where he is authorized to pronounce the

law, but *extra-judicially*, in the newspapers, has pronounced a *dictum* asserting that Congress can prohibit slavery in the Territories, but not institute it.

In reference to this last position, the Judge does not state what his views are, as to the necessary existence of slavery in the Territories, as property, if carried there from the States, without congressional action. Does he mean to urge that slavery, being recognized in the Constitution as property, and so interwoven with our whole social system, is not carried into the Territories and protected as any other property, *ex necessitate rei*? The learned Judge, I feel bound from public considerations in this connection to remark, having commanded the respect and esteem of the country by the industrious and able manner in which he has uniformly discharged his public duties; by his recent appearance in the newspapers, with his quasi-judicial opinions, has excited much surprise and regret. Clothed with the judicial ermine, in its most elevated form in this country, and where his example, from the supreme bench, reaches to the remotest limits, in exciting times like these, when all earthly tribunals, in order to command respect, must be firm, unswerving, and above raving popular clamor—when, too, the merits of the question were much involved in a case to come before him as one of the judges of the last resort—to have made a parade of his opinion, thus intermingling with the partisan debates of a passing hour,—cannot certainly commend himself to the approval of an intelligent public.

Having already shown that slavery has existed, and still exists, by the laws of nations; that it must be recognized as property; that the founders of our Government, in establishing our system, so treated, recognized, and guarded it; that it is necessarily an ineradicable adjunct of our social system composed of State and Federal Government, in their varied machinery, the members of the convention, being discreet and practical men, taking the elements of society as they found them, arranged the system upon no utopian and transcendental theories, but wisely harmonized the parts as best they could, imbued with that sound and homely philosophy, if you please, which prompted the immortal poet Pope, in his celebrated essay, to exclaim—

"Whether, with reason or with instinct best,  
All enjoy that power that suits them best.  
Order is Heaven's first law; and this confessed,  
Some are and must be greater than the rest."

All nature's difference keeps all nature's peace,  
Condition, circumstance, is not the thing,  
Elys is the same, in subject or in king."

No witchcraft in this proceeding—no Arabian Nights tale—no transcendentalism, but downright common sense. If there are any nowadays that repudiate this utilitarian spirit, and go after strange gods of their own creation, they become moral traitors to their country, and are worse than avowed enemies, and will receive the everlasting execrations of patriot spirits. Are they wiser than their fathers, and will they proclaim still a higher law?

Is there anything in the moral code with which slavery is in conflict? because I will agree, if this can be shown, we must take the most reasonable steps to avoid the evil. From all the legiti-

mate evidence to which we can have resort, slavery appears to be sanctioned by the highest revelations of the Divine or moral law—also indicated, from all that we can discover in the works of creation and the world around us; from the fitness of things; from its universal existence among all nations of which we have an account; under all governments; in that first order by God Almighty himself for his chosen people, and through all dispensations; fully illustrated in the Old and in the New Testament; by the law written on the tables of stone; in the Decalogue; in that holy commandment in regard to the Sabbath day, to wit:

"But the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy man-servant, nor thy maid-servant, nor thy cattle, nor thy stranger that is within thy gates."

Here the man-servant and the maid-servant are expressly mentioned. In the following and the last commandment, to wit:

"Thou shalt not covet thy neighbor's house, thou shalt not covet thy neighbor's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his ass, nor anything that is thy neighbor's."

the servants are spoken of and included as property with the other chattels, the ox and the ass, &c. (Exodus xx.)

It is said by a learned commentator, that this last commandment is very important, and is, indeed, the guard and security of all the preceding ones; that it stamps the seal of Divinity upon the Mosaic code, of which the Decalogue is the summary; that no such restriction is to be found in the Ordinances of Lycurgus or Solon, the Twelve Tables, or the Institutes of Justinian. This certainly is not the "higher," but the highest law; for it has been revealed to us that the Lord came down upon Mount Sinai, on the top of the mountain, and the Lord called Moses up to the top of the mountain, and Moses went up; and, amid thunderings and lightnings, and the noise of the trumpet, and the smoking of the mountain, were these great and everlasting commandments proclaimed. Also, throughout the whole scope of the New Testament, we find no denunciation against it, but its lawfulness and necessity and propriety fully and unanswerably recognized. These obligatory Divine injunctions and precepts cannot and will not be disregarded.

In this great country we have a variety of climate, soil, and production, and it requires corresponding means to suit them and fully develop their advantages. Cotton, the great southern staple, rice, sugar, &c., flourish in the torrid zone, for which the negro, by his peculiar physical nature, impressed upon him by God Almighty, is especially adapted. To undertake to employ labor without climatic adaptabilities, when they can be had, is to refuse to make use of the best means to accomplish a given object.

The white man cannot endure this labor—it would destroy him—it is, therefore, impossible. The negro is in his happy element on a sugar or cotton plantation, and in this condition will laugh to scorn the mistaken views of the Abolitionists to benefit him by placing him on a different theater, sending him to college, &c. Cotton, in its abundant growth and product, has been the means of giving rise to incalculable wealth to the civilized world, and to no portion more than to the State

of Massachusetts, which, if accounts are true, has become great, powerful, and commanding. This is the result of slave labor. Would it be wise to abolish the culture, and leave that vast and superlatively rich domain of God's creation a wild and howling wilderness? It requires large capital and a great number of operatives, constant and unremitting assiduity, at certain seasons, to insure an annual crop. With a large force of slaves, under proper police regulations, cheerful and happy, the crop is secured for the benefit of all parties concerned.

It may be assumed as a fact, that cotton would not be grown without slave labor. For evidence of this, look to the present condition of things in the West Indies, where slavery has been abolished, and there you see the vengeance of Heaven visited upon such consummate folly—rich and inexhaustible fields of His bounty standing as silent monuments of man's great folly in neglecting to avail himself of all the means within his power. "Experience," it is said in the old proverb, "is a dear school, but it is the only one in which fools will learn." The experiment of transcendentalism has been tried, and woeful matter of fact has demonstrated it to be essentially vicious, chimerical, and foolish.

The African, in his natural and improved condition, has been discarded; and the celestials, the coolies, are about to supplant the sons of Ethiopia!

"From Greenland's icy mountains,  
From India's coral strands,"

you may attempt to call spirits, but before the banner of the Cross, with its ameliorating influences upon the whole human family, can wave in emblazoned triumph amid those gems of the ocean, "the Antilles," we must invoke the sable sons of Africa's "golden sands," to develop their great physical power under the controlling auspices of the Christian-Caucasian race. African slavery, through its physical capability, recognized and proclaimed by the great Lawgiver under all His dispensations, has been, with many incidental evils and abuses common to all human systems, the source of high civilization—the spread of the gospel of Christ, with manifold blessings to the African race.

Are all these palpable advantages to be set at naught upon the imaginary system of Utopia, proclaimed by the transcendentalists of the present day? They are at war with God—the Christian religion, which proclaims on earth peace and goodwill to man—the best interests of practical humanity, and the highest hopes of civilized life. African slavery, in some form, will exist in this country and throughout all the tropical regions adapted to the growth of the great staples of the South, until fate, or God, by his irrevocable decrees, shall change the face of animated nature, and the climatic necessities of our greatly diversified world.

Solely considered as a practical question, suppose the South would agree to adopt your wild theories, and emancipate all the negroes, can you explain to us, and to yourselves, what will be the effect upon our social system, not only South, but East, West, and North. There are now some three or four millions. It would require an age to colonize them, if that mode of avoiding them should be recommended. To undertake to

colonize them too rapidly would be attended with consequences harrowing to every feeling of the human heart. You are opposed to this, and go for emancipation. Such a scheme would be utterly destructive to the negro race, and in its results would occasion a fearful paralysis in all departments of trade everywhere, from which, "slavery, nor all the restoratives within reach could save you.

If this country has grown to be great, and has increased, beyond all human calculation, in power and moral grandeur, it must not be forgotten this astonishing result has been effected with negro slavery existing and operating in all its vigor in our midst. Will you tell me Massachusetts is great? From whence has it mainly sprung? From our social system, quickened and enlivened by the products of slave labor, and not in spite of it. The South has derived less advantage from it than the North. You have commanded our workshops, and you have increased to your present stature upon the troubles, toils, and efforts of the South. They have been the hewers of wood and drawers of water. They have furnished the raw material, with all the inconveniences of negro slavery, if it be obnoxious to your charges, whilst you have had the ultimate profits. Such has been the ordination of Providence, and the South, has submitted. The existence of our Government itself—sustained, I believe, by providential interposition—its unprecedented rise, progress, and increasing power, and manifest destiny, with negro slavery as one of its incidents, conferring the greatest practical good upon that groveling race, may be relied upon as corroborative and confirmatory evidence of the abstract and relative propriety of our theories upon the subject of slavery. If it be of God, it will prosper; but, if not, it will come to naught.

Let us briefly survey our progress as a nation. At the time of our Independence in 1776, our progenitors occupied but a small extent of country skirting along the margin of the Atlantic, and subsisted very much upon the bounties of nature, by hunting and fishing. They had abundance of wild game from the native forest, and from the blue waters all the luxuries common to that element. All told, they did not exceed three millions of souls—not as many white people then in the country as we now have negroes. Now, we have some thirty millions of inhabitants. Cities and towns have sprung up everywhere; the arts and sciences have increased; astonishing facilities for travel and for the diffusion of knowledge have been put in successful operation, and we are on the high road to additional discoveries and improvements. Already vastly opulent and great in moral power, we have a most extensive coterminal domain, extending from the Atlantic to the Pacific, sweeping through the western hemisphere. Our country passes through all the degrees of latitude necessary to enable it to produce all the staples of life. "The shore lines of the Atlantic and Pacific oceans, and of the Gulf of Mexico, are full twelve thousand miles in extent, and an unequalled chain of navigable lakes forms our northern boundary. Our rivers afford us forty-nine thousand miles of navigation, and our northern lakes thirty-five hundred. Five thousand miles of artificial navigation complete this network of internal communication, still further

increased by 'twenty thousand miles of railway finished, to which soon will be added thirteen thousand more now in progress, all tending ultimately to unite the Atlantic and the Pacific oceans by uninterrupted lines of railway. At the Revolution we had no manufactures; now we have \$500,000,000 invested, producing annually in value more than one thousand millions. Our commercial marine, registering nearly five millions of tons, is the greatest on the ocean. Our agricultural and mining resources are boundless and incalculable." We are thus blessed with all the elements of physical power and wealth.

Do all these omnipotent and conclusive facts prove our system to be wrong, or establish its absolute and incontrovertible propriety? Will it do for the North to talk of her comparative advance over the South, forgetting that you are but part and parcel of the same system? As well might any member of the body complain of its neighbor. If you can demonstrate that you have grown great without the immediate benefits of this intimate connection, then you may have a case. You should recollect that the Union, with all its untold advantages, has been, in a most eminent degree, tributary to your preëminence; and now you would abuse and destroy your political *alma mater*! Whenever such folly shall, by a just and avenging God, be permitted to triumph, from that fatal day your *transcendentalism* may be in the ascendant, but your *greatness*, in all that constitutes substantial wealth and power, will have departed as a dream, and you will find, very soon, that your condition is not unlike that of Nebuchadnezzar of old. When you speak of your greatness, you do not mean to say that all classes amongst you, without exception, are so, but you have reference to the aggregate, for undoubtedly you have penury and destitution within your borders. So when we speak of the glory of this great nation, it is in its combined identity. Some sections may be impoverished. There are calamities and misfortunes incident to human nature in its best estate—all cannot be wise; all cannot be happy: contentment is the true philosophy of life. The South is satisfied with the Government under which she lives, State and Federal. She stands upon the sensible developments of the immutable fitness of things, and the gates of hell shall not prevail against her. Fogs and mists may envelop the northern atmosphere—the hurricanes of fanaticism and folly may blow in its wrath—they will exhaust themselves. A serene and natural sky will still shed its glad some rays upon the sunny South. Her fair fields shall not be overrun by the Goths and Vandals, until barbarism shall be permitted again to proclaim its desolating sway over the nations. If a disruption should ever take place in this glorious Confederacy, the East might go off in a tangent, and join the northern comet as its fiery tail; but the North and the teeming West, with all that extensive section, washed by the streams that make for the Gulf of Mexico, are the natural allies of the South, and will never surrender their association with this favored region. *The star of Empire is West and South—not North and East.* The land flowing with milk and honey will ever command the strong affections of the votaries of freedom.

The North has had the full benefit of the

Union thus far, and has certainly reached a high point of prosperity. Has it arrived at the acme? Does she now fear a retrograde movement—that the growing power of the West, and the inherent facilities in the South, are about to check her speed? Are considerations of this sort else mixed up with her fanaticism? The West is the natural ally of the South. The enormous trade of the West, which has heretofore had its outlet at the North, is about being diverted somewhat. If the South and West, with all their natural advantages, shall apply their resources to make themselves essentially independent by manufacturing for themselves, and by other agencies, appropriate their own means; such a policy may well occasion apprehension and alarm in the East. That section has been thus far highly favored under our system, although less contented, in fact, than any other. Proud in her position—ungrateful in her neighborhood—overbearing in her aggressions upon other sections that have been mainly tributary to her advancement,—she may be overtaken with those calamities which the God of Providence occasionally visits upon the ungrateful and disobedient. Let her consider well her proper and true position in the Union; weigh with deliberation the accidental advantages that the course of events has bountifully thrown in her path. She is essentially dependent upon the South and West; and, *per contra*, they are comparatively independent of her contributions.

How sublimely philosophical, christian-like, and patriotic, let me mention in this connection, were the sentiments of the high-toned clergy of Massachusetts, in the days of the Revolution. They are a perpetual spring of patriotic gratulation, to which we may turn when annoyed by the senseless claptrap of the moonshine and raving effusions of the pulpit in Massachusetts nowadays. Let me commend these old-fashioned notions of her early patriots to her rising generation, who are not yet corrupted by the fanaticism of the day. Let a wholesome reform be introduced, founded upon the revolutionary basis of Massachusetts as she then exhibited herself in the glory of her youthful career, as announced by her clergy and statesmen. From a mass of patriotic and high-toned sentiment, I will refer to a few extracts from their speeches in the convention, worthy of everlasting commemoration, and sufficient to redeem that God-forsaken old Commonwealth, in her present leading-strings, from the most unnatural thralldom in which degenerate sons have placed her fame. In 2 Elliot's Debates, page 118, Rev. Mr. Shute said:

"Mr. President, to object to the latter part of the paragraph under consideration, which excludes a religious test, is, I am sensible, very popular; for the most of men, somehow, are rigidly tenacious of their own sentiments in religion, and disposed to impose them upon others as the standard of truth. If, in my sentiments upon the point in view, I should differ from some in this honorable body, I only wish from them the exercise of that candor with which true religion is adapted to inspire the honest and well-disposed mind.

"To establish a religious test as a qualification for offices in the proposed Federal Constitution, it appears to me, sir, would be attended with injurious consequences to some individuals, and with no advantage to the whole.

"By the injurious consequences to individuals, I mean that some who, in every other respect, are qualified to fill some important post in Government, will be excluded by their not being able to stand the religious test; which I take to be a privation of a part of their civil rights.

"Nor is there, to me, any conceivable advantage, sir, that would result to the whole from such a test. Unprincipled and dishonest men will not hesitate to subscribe to anything that may open the way to their advancement, and put them into a situation the better to execute their base and iniquitous designs. Honest men alone, therefore, however well qualified to serve the public, would be excluded by it, and their country be deprived of the benefit of their abilities.

"In this great and extensive empire, there is, and will be, a great variety of sentiments in religion among its inhabitants.

"Upon the plan of a religious test, the question, I think, must be, Who shall be excluded from national trusts? Whatever answer bigotry may suggest, the dictates of candor and equity, I conceive, will be, 'None.'

"Far from limiting my charity and confidence to men of my own denomination in religion, I suppose, and believe, sir, that there are worthy characters among the Quakers, the Baptists, the Clergy of England, the Papists; and even among those who have no other guide, in the way to virtue and Heaven, than the dictates of natural religion.

"I must, therefore, think, sir, that the proposed plan of government, in this particular, is wisely constructed; that, as all have an equal claim to the blessings of the Government under which they live, and which they support, so none should be excluded from them for being of any particular denomination in religion."

Such sentiments are worthy to be written upon tablets of stone.

Rev. Mr. Payson said:

"Mr. President, after what has been observed, relating to a religious test, by gentlemen of acknowledged abilities, I did not expect that it would again be mentioned, as an objection to the proposed constitution, that such a test was not required as a qualification for office. Such were the abilities and integrity of the gentlemen who constructed the Constitution, as not to admit of the presumption that they would have betrayed so much vanity as to attempt to erect bulwarks and barriers to the throne of God. Relying on the candor of this convention, I shall take the liberty to express my sentiments on the nature of a religious test, and shall endeavor to do it in such propositions as will meet the approbation of every mind.

"The great object of religion being God Supreme, and the seat of religion in man being the heart or conscience, i. e., the reason God has given us, employed on our moral actions, in their most important consequences, as related to the tribunal of God; hence, I infer, that God alone is the God of the conscience, and, consequently, attempts to erect human tribunals for the consciences of men are impious encroachments upon the prerogatives of God. Upon these principles, had there been a religious test as a qualification for office, it would, in my opinion, have been a great blemish upon the instrument."—2 Elliot, 120.

Not much bigotry and exclusiveness, among the early fathers, it would seem.

General Heath said:

"Mr. President, after a long and painful investigation of the Federal Constitution, by paragraphs, this honorable convention are drawing nigh to the ultimate question—a question as momentous as ever invited the attention of man. We are soon to decide on a system digested not for the people of the Commonwealth of Massachusetts alone—not for the present people of the United States only—but, in addition to these, for all those States which may hereafter rise into existence within the jurisdiction of the United States, and six millions of people yet unborn; a system of government not for a nation of slaves, but for a people as free and virtuous as any on earth—not for a conquered nation, subdued to our will, but for a people who have fought, who have bled, and who have conquered; who, under the smiles of Heaven, have established their independence and sovereignty, and have taken equal rank amongst the nations of the earth. In short, sir, it is a system of government for ourselves, and for our children—for all that is near and dear to us in life; and on the decision of this question is suspended our political prosperity or infelicity, perhaps our existence as a nation. What can be more solemn? What can be more interesting? Everything depends upon our union. I know that some have supposed that, although the Union should be broken, particular States may retain their importance; but this cannot be. The strongest nerved State, even the right arm, if separated from the body, must wither. [Hear, oh! Massachusetts, as from the tomb.] If the great Union be broken, our country, as a nation, perishes; and if our country so perishes, it will be as impossible to save it

particular State, as to preserve one of the fingers of a mortified hand."—2 *Elliot*, 21.

Most noble sentiments, and a most solemn warning. Rev. Mr. Backus said:

"Mr. President, I have said very little in this honorable convention; but I now beg leave to offer a few thoughts upon some points in the Constitution proposed to us, and I shall begin with the exclusion of any religious test. Many appear to be much concerned about it; but nothing is more evident in reason and the Holy Scriptures, than that religion is over a matter between God and individuals; and therefore no man or men can impose any religious test, without invading the essential prerogatives of our Lord Jesus Christ. Ministers first assumed this power, under the Christian name; and then Constantine approved of the practice, when he adopted the profession of Christianity, as an engine of State policy. And let the history of all nations be searched from that day to this, and it will appear that the imposing of religious tests hath been the greatest engine of tyranny in the world. And I rejoice to see so many gentlemen, who are now giving in their rights of conscience in this great and important matter. Some serious minds discover a concern, lest, if all religious tests should be excluded, the Congress would hereafter establish Popery, or some other tyrannical way of worship. But it is most certain, that no such way of worship can be established without any religious test."—2 *Elliot*, 148.

So it seems that some in those days were afraid of the Pope.

It appears from all the cotemporaneous history, that the foundations of our Government were well considered by its revolutionary authors; and the more we carefully examine its provisions, the better satisfied we become that it is a well-arranged and well-defined system, which if carried out in its purity, is entirely competent for all exigencies. A Federal Government for all great national purposes—State government for municipal purposes—all powers not delegated to the first, reserved to the latter; strict but reasonable construction necessarily provided for, which is the rule of interpretation prescribed in the Constitution itself; the States recognized as coequal in every respect; full and adequate power conferred for an extension of the area of States, by the unlimited authority to admit new States. They may have slavery or discard it, as each State may for itself ordain. Slavery being a municipal regulation, must be set up or put down by the State authority.

The Federal Government having no power to ordain, fix, and prescribe domestic institutions, has no control over the subject. Some of the States having slaves, others none, the General Government cannot take sides with either. To carry out this arrangement in theory and spirit, each and every new State must be left to its own unbiased discretion upon the subject. The Federal Government has no right to prescribe features for new States; or to form States after any particular fashion; or to take incipient steps towards molding the institutions of new States. Each and every one must be left at perfect liberty to adopt its own fashion and taste, according to its own judgment, formed from its own consideration of its peculiar circumstances; and, although its taste may be peculiar in some respects, still the old adage holds good—"De gustibus non disputandum." Any of the powers of the Government may be abused so as, in effect, to destroy the system. The express powers, as well as the implied; the taxing power, the war power, the legislative power, and so of others—may be so perverted as to destroy the system. The Government would be effectively overthrown by a

gross abuse of the express grants of power, as by the exercise of powers doubtful or not delegated at all. It seems now to be very generally agreed that, under the treaty-making power, the Federal Government may acquire additional territory, although the framers of the Constitution did not appear to have contemplated the addition of new States from territory thus acquired. When territory is acquired, how should the General Government manage it? Certainly not for the purpose of carrying out any peculiar system or view pertaining to any section, but to be controlled, under the Constitution, by the common agent, and for equal benefit to all the members of the Confederacy, and without, at the same time, trenching upon the inchoate rights of a new State in expectancy. So soon as acquired, the Constitution, *ex proprio vigore*, operates over it. It is necessarily placed within the jurisdictional limits of the Constitution. The massive mind of Mr. Webster seemed to think, at one time, that an act of Congress was necessary to carry the Constitution into such territory. Such an idea appears to be essentially paradoxical.

The Federal Government, under that clause—third section of article fourth—giving the Congress the power "to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," exercises a controlling influence in the disposition of the said territory, and the making of needful rules and regulations. Such rules and regulations must be limited in their operation to such measures as are beneficial to the whole, and necessary to enable the Government to dispose of the territory—to preserve order and good government whilst that is being done, and all her acts must harmonize with the entire system. For instance, some of the States interested have slaves, others none. The General Government; then, as a common and faithful agent, has no rightful power to favor one to the prejudice or exclusion of the other. This would be aggressive, and would be enabling the Federal Government, the mere agent of all the States, to exercise a conventional authority that could only be imparted by some organic proceeding. Any rules or regulations that she might prescribe, transcending, or outside of, constitutional authority, would be utterly null and void. For the purpose of disposing of the public lands, the General Government may have them surveyed, establish land offices, ordain other agencies, and pass necessary laws to preserve order—police regulations simply. She has no power to establish municipal regulations, prescribe what shall be considered property, regulate the law of descent, last will and testament, and the various domestic relations and responsibilities of life. The Government never has done it, and has no power to ordain such things. Having the control of the right of emigration, she may consent to the sale of the lands, in their occupation. When she has done this, the rights of the citizens of all the States, growing out of their municipal regulations, are recognized. If she suffers them to occupy the Territories, they must take with them their municipal rights of property, &c.: the men of the East, with their horses and baggage; the men of the South, with their negroes and camp equipage. Parents and children, husband and wife, master and servant—

indeed, all the domestic rights and relations, are carried there by their possessors.

If the Constitution, from its necessary theory and tendency, carries any one of these social rights—for instance, the relative rights of baron and squire, which are but the result of a civil contract, recognized, and ordained by municipal authority, it must support, also, the relation of master and slave. If the Federal Government has the right to dissolve the latter, then it may also declare, that within its territory the marriage contract shall be considered dissolved—prescribe a plurality of wives—enact all the absurdities characterizing fanaticism—may establish *Mormonism*, *Maine-lacism*, *spiritualism*, *witchcraft*, a religious test—indeed all the whole code of blue laws. If this Government has the power in one case, and it is to be left to its discretion, in what will it draw a line of distinction? I assume that this Government has no such power. The institutions of all the States, establishing property and rights of property, and all the social relations, are taken along with the people that go there, and must be recognized in the first instance. This embraces all the rights of property, vested rights, and which are respected by the laws of all nations; otherwise, as to mere police regulations. When the Territory is thus occupied, under such constitutional regulations as Congress shall think proper to prescribe in reference to the disposition of the public domain, the General Government may, and ought to, assent to the formation of a territorial government, and to the organization of a local legislative authority, competent to the adjustment and protection of all their local interests upon the well-settled principles of our Government—that where there is legislation over a people, there ought to be representation.

I suppose it is upon this basis that, whilst the territorial government is in a quasi modified condition of political existence, the people there are allowed a representative in Congress, without full and complete powers. This is the established mode of territorial representation. There are other peculiarities pertaining to our system—for instance, as to the *status* of the Indian tribes. They are not citizens; they are not foreigners; they are in a state of dependence—of pupillage. The Supreme Court of the United States has decided, in the case of Georgia and the Cherokee nation, that that Indian tribe, to a certain extent, was a political State, and entitled to be so treated, under the eighth section, third clause, of the Constitution, authorizing Congress "to regulate commerce with foreign nations, and amongst the several States, and with the Indian tribes." The said tribes are considered as domestic integral nations, I suppose. Where is the power to regulate commerce with the Territories, except upon the theory I am urging, coupled with the authority to make all needful rules and regulations within the compass of all the Federal authority, and looking to their ultimate destiny as States? When the Territories are allowed a local Legislature, they are in the first organic state of government. From being mere squatters on the public domain, and tenants at will, and by mere sufferance, they are put in the possession and user, rightfully, of police authority, and the making of municipal regulations, having then acquired, by the consent of the General Government, some of

their original and inherent governmental rights, but not to the extent of complete sovereignty, because the paramount jurisdiction of the General Government cannot be ousted in this stage of their history. This condition, with qualified user of authority, is *territorial popular government*, contradistinguished from that bastard and illegitimate bantling commonly known as "*squatter sovereignty*." The first an organized and regular social government for the Territories, under the authority of the General Government; the other, and latter, a spurious and mushroom arrangement, which, if permitted to set up any claim or inherent claims on the soil of the United States, in disregard of its paramount authority, would be to recognize an *imperium in imperio*.

The first is regular, orderly, and consistent with the rights of eminent domain in the General Government, as trustee for all the States. The other irregular, revolutionary, and subject to outlawry. When this territorial government has within its limits a sufficient population to maintain and support a full and complete State government, it may propose to assume perfect sovereignty, and it is competent for the General Government to accede to the proposition or not, according to its own judgment. If this consent is given, the new State is ushered into life, with all the panoply of State importance, pride, and power, and takes her place amongst the States of the Union. Like Mercury, somewhat, from the head of Jove, she springs into existence unique and perfect. I hold, then, that all the States are coequal, and have coequal rights in any territory belonging to the United States; and whatever is recognized as property in one of the States by their local laws, must be so regarded on the common ground; in the territory, and there is no power to change this necessary result, or prohibit its existence, until the State government is founded. The owner of chattels, horses, oxen, sheep, cattle, &c., may go there—the owner of slaves, with his property—the southern man, with his wife, children, men-servants, maid-servants, and anything that is his. The northern man, the lord of the loom, with his machinery, his spindles, and his fancy articles, too tedious to enumerate.

This is the great law of equal rights which the Constitution fully recognizes. These are the covenanted rights of the citizen of every State. This is non-intervention, and the doctrine of popular territorial sovereignty. This is the spirit of the tenth amendment to the Constitution.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Where is any power delegated to prohibit the citizens of any of the States going to any of the Territories with every variety of property? This I hold to be the letter and spirit of the Constitution in regard to rights in the Territories. This is the southern claim of constitutional right, and the South will always be ready to acquiesce in the action of the people of the Territories, when organized as I have stated; and when they come to form their permanent State governments, if the citizens thereof believe their interests will be better subserved by the exclusion of slavery institutions, the South, I am sure, will never inter-

pose an objection to the admission of a State on that account. We fully recognize the capacity of the people for self-government, and that their own common sense and judgment will properly regulate all such matters. This is the democratic spirit and temperament, and they will not consent to its disparagement under any circumstances. All sections ought to concede this practical exercise of power, and trust, reliably, to the matured judgment of the people.

Having adopted the principle that the people are capable of self-government, for myself I will abide the experiment, and will never encourage, in the exercise of my personal rights, a formal war upon such a great, vital, and democratic principle. The great controlling laws of Providence and nature will prevent an extensive system of Mormonism. By nature's laws there are about as many males as females; any social system regarding the marital state must accommodate itself to this uncontrollable fact, and cannot go counter to it to an alarming extent. These things have wisely their own providential corrective. The same unalterable law will control the amalgamation of the white and black races. It is said to be a physical fact, connected with the organism of the white and black races, that increase and multiplication cease from intercommunication after the fourth generation. The ancient Athenians had no law against parricide, deeming the feeling of filial affection stronger than artificial regulation. Human effort, human vagary, human taste, and human power, have certain limits ordained by the Almighty lawgiver; and beyond the bounds prescribed by him, mortal man, with all his pride, pomp, exertion, and circumstance, is insignificant and powerless. It has been mentioned as an incident that occurred at the battle of New Orleans, or just before, that a casual interview took place between two of the opposing pickets, the night before the engagement. They were talking over the probable fate of the next day. The English soldier claimed that the British would have an easy victory, boasting that they had on their side Lord such a one, and Earl such a one, &c., who had been invincible. The American soldier responded, that they had still greater power on the American side; that they had the Lord of all, and General Jackson, and they were never known to be beaten. This was certainly a strong and sure reliance. The American soldier was not mistaken.

In this controversy on the slavery question, with all its collaterals, we have on our side an all-wise and Almighty lawgiver, in His great and irreversible decrees of nature, regulating and controlling the races—His revealed law on Mount Sinai. We have the examples and precepts of Moses; the great and inspired Jewish lawgiver, the patriarchs, and the prophets. We have the instructions and doctrines promulgated by the great and immaculate Savior of the world in his New Testament. We have the admonitions of the Apostles; the experience of all ages and times; the law of nations; the instincts of human nature; the Constitution framed for us by our forefathers who have gone before us; the decisions of all the enlightened courts of the world; the common sense of mankind; and we have the splendid and magnificent progress and developments of our Government during the last

seventy-odd years, in its undeviating progress to glory and grandeur.

On the other side, we observe a motley and noisy crew, with fanaticism and folly on their banner; the rights of negroes and the negro race; black spirits and white; metaphysical, intangible, and impracticable theories of higher law, which, when analyzed and applied to the affairs of life, are found to be subversive of the social compact, of law and order, sensual and devilish, leveling, tending to agrarianism, atheism, and infidelity. Traced to its origin, it is proved to proceed from Lucifer, that fallen angel of light, who was thrown over the battlements of high Heaven for his treason and rebellion; the same personage, who again, at another time, in industrious pursuit of his ambitious schemes, audaciously taking the blessed Savior of mankind into an exceeding high mountain, [a fit pulpit and preacher for higher law,] where he proclaimed the higher law from that bold eminence. That great embodiment of human divinity would not recognize his authority, or indorse his foolish efforts. From that day to this, in mountain and in valley, over the sea and across the land, in storm and sunshine, in some plausible garb or other, that same fallen angel has been going through the nations of the earth, turning and overturning, ever threatening the world with mad portents.

This power of evil has its limits; and in the conflict, the greater moral forces on the side of humanity and the fitness of things will succeed. The disembodied spirits of our revolutionary ancestors from every quarter—the guardian and presiding genius of the Constitution—the hopes of mankind—that gospel which teaches peace on earth and good will to men—are all enlisted on our side. This great Government, in its onward march to that greater power and glory, shall not be arrested by the infernal powers of death, hell, fanaticism, higher-lawism, agrarianism, nor atheism in all its mongrel forms. It is the last hope of liberty for all men! Error may have its day; but it is only the carnival of evil and restless spirits. Error may go seven leagues whilst Truth is putting on her boots. Truth has the ballast, whilst Error may have the sails. Truth has the bottom, though Error may have the heels. Great is the power of truth, and it shall prevail. *Fiat justitia ruat cælum.* If error is doomed to prevail, and folly in its great madness is to overturn this great Government, it will go down amid the tears and sorrows of the votaries of liberty everywhere. Sad would be the day to all the nations of the earth, and to none more so than to the sable sons of Africa. May we be permitted to trust that no such calamitous catastrophe will ever be permitted to overtake this beautiful land of ours, ere that awful trump shall wake all the sleeping nations of the dead, and call them to final judgment!

What of the hour now? Portentous and disturbing events are passing in review! The Government in all her elements is rocked to and fro. Disorder and strife are reveling in their mad career. Will it be arrested? And will our guardian angel still protect us from the raging storm? These are now vital and practical questions to every patriot. "Eternal vigilance is the price of liberty." Our northern brethren must be willing to bear and forbear in the same spirit in which

the great compact was formed. Their counsels must be sober and discreet. Let them fully understand that we are not slavery propagandists. We propose no aggressions upon them—we do not urge that negroes should be introduced from abroad. This is adversary to our policy and inclinations. We maintain, under the compact, that, as to all those within our constitutional limits, we are bound to make the best disposition of them we can. If they are an evil, our northern brethren must take them for better or for worse; if they desire the good they must take the bad. We are now embarked in the same great governmental voyage. We have our cargo on board, and the charter-party cannot be changed. The ship must sail with her assorted freight, through storm and sunshine; she must proudly career on the waves of an open sea, to grandeur and power, or she must go down amid the rocks, in tempest and furious blast, with the crew in a state of mutiny. We are copartners with our northern friends, and must manage the enterprise, equally sharing the profit and loss. If we have the worst of the bargain, and useless commodities on board, why taunt us with it, and why deprive us of our fair share of new purchases and discoveries?

Their war upon us is not only unnatural, but against the articles of copartnership. The spirit of 1776, resulting in the establishment of this Government, discountenances their fratricidal assaults. Let a better temper prevail, and all may yet be well.

So far as the Territories are concerned, which now occasion scenes of passion and great disorder, we are willing that the people, as much and more interested in its fair settlement than outsiders, shall be the arbiters under the limitations I have suggested. Strife, internal and external, exists in and about "Kansas"—that fated battle-field. Why not let the people there fairly and squarely settle it without fraud or violence from any quarter?

The North, opposed from the start to the Kansas-Nebraska act, which submitted this question to the people of the Territories, has, in a rebellious spirit, and in manifest violation of the law on the statute-book, resorted to violent and disloyal means to prevent the fair operation of the law. Beginning in agitation, determined to nullify its legitimate operation, and right or wrong, to put it at defiance, it has, at length, challenged to combat the Federal authorities. This fell spirit, having its origin in Massachusetts nullification, has developed itself with still more virulence on the soil of Kansas. That effort has been met with counter effort. The nullifiers have been nullified. The fraud has been outwitted. It is but the tragedy of Haman and Mordecai enacted again.

But you say this game of fraud was not fairly played—that the Federal authorities were with your adversaries. If so, they were obliged to be on the side of the law. If they have transcended their powers, turn them out, and elect others. If you cannot do this, *per fas aut nefas*, will you submit; or will you overthrow the Government; or will you attempt it? Then you are really outlaws, traitors, if unsuccessful; if otherwise, you have committed suicide, fratricide, parricide, and the curses of generations unborn will cover your memories, and the torments of the

damned will be visited upon your souls as long as there is a just God to uphold his own sovereignty, and an avenger to execute his decrees. The professedly free-State people of Kansas have not petitioned this Government for a redress of any grievances. Had that been done, we were bound to inquire into their complaints. In the place of this, they have defied the Government authorities—have taken the law into their own hands—have set up for themselves—and now come here, forsooth, charged with treason, shaking their "gory locks at us," and very modestly their friends and coadjutors ask us to repudiate our own constitutional authority, to indorse the propriety of their conduct, and, as a premium for moral treason, to admit them into our fellowship! This is not a question of "free soil;" that is a very different thing, and meek in its pretensions compared with this monstrous outrage! It is a case of government or no government—law or no law. It is asking us to legalize treason, rebellion, and revolution!

If the Federal Government had been guilty of oppression through any of its authorities, executive or judicial, we assume that our system is ample to give redress in a regular way. Show me fraud and violence and outrage, whenever and wherever perpetrated, and I will use all legal measures in my power to avenge it. There is enough of this feeling of justice and regard for competent authority, I apprehend, in the country to set right all wrongs, and there is yet no necessity, I hope, for the people anywhere in this country to resort to revolution. It is a burlesque, stigma, a reproach upon our whole system of popular government. The whisky boys of Pennsylvania complained, and Shay's insurrection in Massachusetts caused alarm, but the Government, at the time, was found ample to adjust all their disorder. Shall a handful of men on the borders of Kansas set at defiance all the power of this Government, and be permitted to fill the country with alarm? Are they without ample means of redress; and is the Government to be badgered by a set of factionists, alarmists, and revolutionists? And is she so impotent, that to gratify the Topeka adventurers who have manufactured a constitution amid all these horrors of treason and revolution, that their lawless acts are to be justified, and they admitted into our Union, with hot haste?

If such an example of insubordination is to be commended and indorsed, then our whole system of popular government is but an empty pageant; and the victors, as well as the vanquished, may well and alike deplore its effects. Our days are numbered. Good men are amazed, and may well be paralyzed by the boldness of the demonstration. All our recognized authorities are utterly disregarded. Upon the President down to the most obscure official, one unbroken torrent of insane abuse is poured. Is this clamor against all authority well deserved? Or is it the adroit outcry of "Stop thief!" made by the midnight burglar when exposed? What should the President do that he has not done, and what has he left undone that he could effect? He has conducted himself nobly in his high office, and deserves the thanks of the whole country for his faithful and manly discharge of his duty. What would you have the Federal authority do that has not been done? What do you expect Chief Justice Leconte and

his associates to do, that has not been done? Are they not obliged to administer the laws as they find them? Are they not obliged to expound the Kansas-Nebraska law as it stands, unrepealed, on the statute-book? Have these officials not sworn, before high Heaven and the face of all men, faithfully to discharge their duty? Would you have them falsify their solemn obligation when outrage stalks abroad in the noonday sun; and when firmness is required, would you have them swerve to lawless clamor? Will you have realized the motto, "*Inter arma leges silent?*" Or will you give them credit for fearless execution of the laws? I wonder if these Topeka constitution-makers took an oath to support your Constitution? Where are the men of Kansas that have sent on to us petitions for a redress of grievances, or even for the adoption of their handiwork, this Topeka constitution—conceived in iniquity, and with rebellion stamped upon its very brow?

For aught that appears, they are men in buckram—in Kansas to-day, gone to-morrow; and if you inaugurate their government, will not you have to issue a search warrant to find them or their famous bantling? Sir, if the occasion were not a most solemn one, this whole proceeding, known as the Topeka transaction, should be characterized as a complete farce, with scarcely enough of the *dramatis personæ* to furnish characters. After the *dénouement* is over, if the world is not upset by it, no doubt it would afford incidents for a most laughable comedy. The Topeka constitutional convention—the members thereof sitting in the open air on logs and stumps, without ceremony, some in revolutionary robes, some in utter *deshabillé*, debating the affairs of State, and settling the destinies of that infant sovereignty—may Heaven forever forefend us from such miserable trumpery and hoy-de-doy buffoonery! If the President or Chief Justice Lecompte has transcended the limits of his official duties, with criminal intent to oppress the most obscure citizen, why not boldly, and as true patriots, bring up your impeachments? Why snarl at them, when you have the right to make out your bills of indictment? I submit, if it is right, fair, or manly, to assault official authority, and attempt to bring it into disrepute, when you have ample remedy, by putting them on their trial, giving them the power of vindication; and this you decline?

I have said that I believe the President has fearlessly discharged his duty, and the country will so esteem it. I happen to know Judge Lecompte. He is, I doubt not, a fearless, firm, and impartial officer, and I am sure will discharge his high duties faithfully and promptly. I am satisfied, in his responsible station, he will meet all its requirements as the exigencies of the occasion may deserve. He is not the man to be badgered or browbeaten. He is a sound lawyer, and I take it, will so carry himself in his honorable position, as to defy any well-grounded charge of breach of duty. It is abominable to endeavor to tarnish his official standing by mere partisan allegation. I dare say similar testimonials may be borne as to all the territorial judges and officers. They have been nominated by the President, and have undergone the ordeal of the Senate, which is a sufficient guarantee to the country to meet any slurs that political malice may attempt to cast upon them. But, it is said that faith has been

broken by the repeal of the Missouri compromise, in the passage of the Nebraska act. That so-called compromise was but a law on the statute-book, enacted by one Congress and repealable by another. You talk of compromises in a mere law, when you are disregarding a whole series of compromises in the original Constitution—the very compact of government. Where in the Missouri law is the covenant that it should not be repealable? The North has never regarded it since its passage, and before its repeal. When Florida was admitted, did not the North oppose her admission? This was long after the passage of the Missouri compromise. The same may be said as to the course of the North as to the admission of Arkansas. No, sir; it is useless to talk of compromises except they are in keeping with the Constitution, and observed by all parties. They are mere cobwebs.

It is said that upon one occasion in the career of Alexander, surnamed the Great, a Thessalian robber was brought before him upon a charge of plundering on the high seas; being asked by Alexander, by what authority he played the freebooter—his reply was, "by the same right that Alexander conquers worlds; but because you overrun whole countries, you are renowned as a great conqueror, but because I command a small shallop, I am called a robber." Alexander dazzled by his boldness—the Thessalian robber outlawed, because of the modesty of his exploits. These Topeka men, because, forsooth, they are constitution-makers, and proclaim themselves as high-souled patriots, are to bewilder by their audacity; when brought down to their proper level as puny violators of the peace of the community, they cease to command our admiration. I have not seen an authentic copy of Judge Lecompte's charge to the grand jury, and therefore cannot say whether he is right, as alleged, in charging them with "high treason," but I should be inclined to think that their flimsy proceedings could hardly be dignified as treason, *actual* or *constructive*.

It may be that the grand jury—considering that they had confederated with this great emigrant aid society incorporated by the State of Massachusetts, and well supplied with Sharpe's rifles, and assumed dominion and conquest—thought they should be measured by their aspirations. I dare say they will feel more complimented by such a dignified allegation, than to have been simply accused as mere disturbers of the peace; if they should be spared from the clutches of Judge Lecompte, and live to help to make another constitution, they may well consider themselves lucky. It seems to have been settled in the days of our Revolution, that, although revolutions might be resorted to, they were not to be recommended for light causes, and only when all other means of redress had failed, and oppression became intolerable. As long as there was any other legal remedy at hand, it must be resorted to. But it seems we have improved upon that, and revolutions may be got up nowadays as occasion may require. "A tempest in a teapot." Where has there been intolerable oppression in Kansas, and where have all the remedies been resorted to?

Congress has not been petitioned for redress by these Topeka constitution and revolution mongers. The legality of the proceedings of the

Kansas Legislature may be tried before the courts. The much-abused Kansas-Nebraska act, in the twenty-seventh section, provides an appeal from the court in Kansas, from Judge Leconte's, if you please, to the Supreme Court. You can test the frauds that you say have disturbed you, by bringing the whole subject before the Supreme Court of the United States. This you can do, even under the *habeas corpus* proceeding, recognized by the said section. If, then, there has been fraud, outrage, violence, and if the Legislature itself is unauthorized, and its whole proceedings void, why is not the legal and orderly method, and the only satisfactory one, except the ballot-box, resorted to, in place of revolution, anarchy, and bloodshed? By pursuing this mode, order and regularity in all our proceedings are observed. Because this has not been done, I am right in assuming that the founders of the Topeka constitution are clearly in the wrong, and upon their own heads, with their coadjutors, does all the responsibility rest. I commend them to the sage and comprehensive exposition of the distinguished gentleman from Indiana, [Mr. DUNN], whose remarks on this branch of the subject are patriotic, high-toned, and impressive.

Sir, it is true that we are living in an age of the world far distant from that rendered illustrious by the gallant and daring deeds of a noble ancestry. The interval has been a progressive one, and knowledge has increased; but we are yet living under the same old Constitution, as it was handed to us by its founders, unchanged in any particular affecting its general structure, and, we trust, competent to any emergency. It is now in our keeping. The Government is not a self-moving machine; it must be regulated by the same high considerations, and administered with that mutual forbearance, which characterized its authors. There is nothing now seriously to disturb us, unless we mean to magnify difficulties.

The slavery question gave our forefathers some trouble in laying the foundations of the Government; but it was wisely adjusted in a spirit of mutual compromise and concession. If we meet our difficulties in the same high and patriotic temper, clouds will pass away, and the rainbow of peace will shine in our political firmament. The pulpit may be desecrated; the effusions of literature perverted; benevolence turned from its natural channel; the Bible ignored; its divinity trampled in the dust, as it was once before, when it was dragged through the streets of Paris tied to the tail of an ass; the age of reason—the higher law—being boldly and shamelessly proclaimed. These are startling developments, but they have their limits; and it is to be hoped that there is still sufficient common sense and common decency and rudimentary patriotism left, to keep the country moving on in her high destiny. Mountebanks are necessary evils in every community, it would seem. In our Confederacy, the South may always be relied upon as a conservative section. All the wild and fanatical schemes that have their origin in the North find little favor in the southern region.

This may arise from the character of the southern people, or the status of their peculiar institutions. Fortunate it is, certainly, that our demon-stricken brethren of the East are saved

from the results of their own folly by their best friends at the South. "The fools are not all dead yet;" and in a community like ours we are bound to have variety, disorder, buffoonery, humbug, and clap-trap. I believe it was said by Barnum that the American people might be easily humbugged. The remark is only partially true; some may be—all cannot be. Barnum did not much travel in the South.

Is it not strange, that in that land proverbial for its steady habits—in the frosty regions of the North—so much effervescence, fanaticism, and knight-errantry, in its thousand forms, should prevail, and in the South receive no support. Maine-lawism, Mesmerism, Spiritualism, Higher-lawism, &c., have flourished in the northern section, but have not extensively ravaged the south. On the slavery question the North, or rather the East, is absolutely mad, at least so far as madness is indicated by the chief actors. The South is more reasonable and practical. In the aggregate calculation, however, those who adopt the matter-of-fact philosophy of the South are in a large majority.

The South is a unit upon the slavery question; and in the North, public sentiment is nearly balanced; put the whole South and the large minority at the North and West together, and they compose a large majority. Therefore the anti-slavery propagandists are comparatively a small portion of the great community in this country. I hold, therefore, that they can never have a very commanding position. They may, temporarily, by fortuitous causes, obtain a partial ascendancy; but their reign is necessarily short-lived. You may, in high party times, raise a heavy outcry upon an alleged violation, of some compact; outrages in Kansas or elsewhere may be magnified; all the changes may be rung upon a common assault and battery, occurring at the seat of Government; and so long as human nature remains as it is, you may expect to hear of fights, breaches of the peace, felonies, rapine, murder, and death. These are incidents to all society, in its most approved forms. Man is a strange animal even in a state of grace. These things are to be lamented; but the benefits of Government are not to be discarded because of these occurrences. They have their day, but settle no great principle. The North is not exempt more than the South. The great object of the present outcry at the North seems to be directed towards the accomplishment of a perfect equality between the white and negro races; to put the negro on the platform of the white man, or rather to degrade the white man to the level of the negro. In endeavoring to push this theory, which can never be made to fit, they are guilty of a vast number of absurdities.

For instance, they once had an old law, I believe, in Massachusetts, forbidding the intermarriage of the white and negro races. This was the natural sentiment, prompted by common-sense puritanism. Their modern posterity have undertaken to improve upon this, and that old statute has been considered a relic of barbarism, and swept from the statute-book. Is this the improved Massachusetts refinement? Not at all. It grows out of their reckless haste, from partisan feeling, to show their moral hardness, and should not be quoted, I apprehend, as in-

dicative of the sober sentiment of Massachusetts gallantry, or humanity, on this delicate subject. Such a proceeding is against nature, and the invincible and unmitigated instincts of man; and it requires some other exciting cause to bring up the moral feeling to recognize its possibility. And although they may get their courage to the sticking-point to place this law upon the statute-book, repealing the edict of common-sense, yet they have not yet the boldness to carry it into practice. Therefore it looks like hypocrisy. Their faith is without works, and, according to Scripture, is dead.

Fred Douglass has a fair chance to open his batteries upon them for this. I take it for granted Massachusetts, with all her follies and vagaries, can never be brought, practically, to recognize the equality of the races—to associate upon terms of perfect and equal cordiality with the negro, to marry and intermarry, visit and be visited by them, sit in the same jury-box, at the council board, and in all the various social circles. If that event should ever unfortunately happen to that people, Massachusetts refinement in learning, and in all the embellishments of civilized life, will have sunk into an unfathomable abyss of barbarism. In that condition she would be a stigma to the Union. God forbid that such blighting fanaticism should desolate her fair borders! In the State from which I have the honor to come, so long ago as the year 1715 provision was made to prevent the marriage of a negro, or mulatto, with any white person. That law still stands unrepealed, as evidence of the purity of our venerable ancestry. Massachusetts, in repealing hers, I submit, has furnished no evidence of superior wisdom, or of delicate taste. Again: *De guttibus non est disputandum*. The founders of our Government never for a moment entertained this new-fangled Massachusetts idea of negro equality. They were white men, and provided a government for white men and their posterity. The preamble recites, that "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, and promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." They were white men, acting under their forms of government and social institutions as then extant; Massachusetts and Maryland, and doubtless the other States, having the old laws to which I have referred already in force.

Think you that they had the least conception that they were providing and ordaining a government for negro offspring when they spoke of their posterity? If such an idea had been suggested, it would have been scouted as an insult. Now, forsooth, in this day of Massachusetts refinement, the discovery has been made, that the negro race is worthy to be taken into copartnership; and this great Government, with all its glorious destiny, cannot be carried on without their aid and assistance. Shades of Hancock, Gorham, King, and a host of other revolutionary worthies, frown upon such governmental profanity! And may Heaven, in its mercy, save us from such Godless, Christless, inhuman, and abominable fanaticism, now and in all time to come! Such heresies can

never succeed, because they are against the instincts of human nature, and run counter to all the uncontrollable decrees of fate. The negro race, although human, in all probability, is inferior and subordinate to the white race. This is proved by the experience of all ages, and is one of those physical axioms that needs no demonstration. They were undoubtedly intended to do the drudgery of the white man, and such is the ordination of Providence. Whilst the white man, in the perfection of his nature, must take the proper care of all under him, and adapt them to such purposes as they are most fitted, we must use the world as we find it, and legislate practically upon such physical facts, phenomena, and existences, as we see around us. This is the part of wisdom and common sense. In a social system there are, and must be, various departments and institutions.

The white man, subject to the ordinations of God Almighty, the great lawgiver, is bound to provide for all minor and subordinate creation. The female was made for his help-mate, and must be placed in that condition best adapted to her nature and peculiarities. She is not competent to exercise the duties of manhood—cannot be distinguished in the forum, the council-chamber, or in the chase. Like the placid moon in the solar system, although in an inferior orbit, and reflecting light, soft and serene, she shines in her own proper sphere, and gently contributes luster to the great social system. Transform her, change her position, and she becomes a fiery comet, creating terror and consternation. God forbid that any modern reform should be permitted to degrade her, and assign her any other place, than a graceful and refined one! She may be permitted so far as propriety will allow, to exercise all those excusable—nay, commendable arts pertaining to refined petticoat government, and to that we will acknowledge our full allegiance. If she go beyond that, rebellion and revolution will be the direful result.

So with children, in their minority. They, like lesser stars, must be subordinate; and if they do not properly conduct themselves, the responsibility must be taken of following Solomon's precepts on this subject, which will, probably, be found to be a necessary discipline occasionally, through all time. I wonder if this old-fashioned, scriptural, and patriarchal dispensation, has been exploded by the modern refinements of Massachusetts spiritualism! Or will they continue it as a part of their social economy, suffering the rod to be used upon children when beneficial to them, but exempt the poor negro, who is always in a state of pupillage? You will also find in social life a large class of persons, adults of feeble intellect, *non composites mentes*, incapable from mental imbecility of taking care of themselves. These must be provided for. Would Massachusetts philanthropy open the doors of all their lunatic asylums, and turn out upon the world the unfortunate madmen, because, forsooth, they are in fact deprived of their freedom? She may demand, who is authorized to pronounce them fools? That may be a gross assumption. A madman once confined in an asylum was asked by a strange visitor, why he was thus placed under duress. His transcendental reply was, that it arose from a difference of opinion—that all the world thought he was crazy, whilst, on the contrary, he took it

that all the world was crazy; but being in an awful minority himself, and the world having the greater power, they had, by force of mere brute numbers, placed him in that condition. How do you find the negro here and elsewhere, and what is the instinctive impression as to his proper destiny? Feeble in intellectual power, with great physical endurance, and, so far as we have all history to teach us lessons, utterly incapable of providing for himself. What is the duty enjoined as to him? Provide for him—make him comfortable according to his capacity. Let him be employed in useful work, contributing to his own improvement, and at the same time to all around him. Experience proves that, if you turn him out, he will soon destroy himself; and if those properly chargeable with his custody suffer him to become miserable and squalid, a fearful responsibility rests upon them. My own State, a long time ago, acting upon humane and rational views, provided by statute for the comfort and management of the negro, and its wise legislation still stands and operates. Her statute, passed in the year 1715, provides:

“That if any master or mistress of any servant whatsoever, shall deny, or not provide, sufficient meat, drink, lodging, or clothing—or shall unreasonably burden them beyond their strength with labor, or debar them of their necessary rest and sleep, or excessively beat and abuse them, or shall give them above ten lashes for any one offense, they shall be fined in the discretion of the court not exceeding one thousand pounds of tobacco; and for a third offense, the said servant shall be freed.”

Such is the humanity of our system upon this subject. Parents too, in that State, are allowed to administer reasonable chastisement upon their children, not having abolished the old patriarchal custom. A few madmen are confined in proper asylums. The fairer and better portion of creation are allowed to stay at home and take charge of their household affairs, and are idolized and worshipped. They are not permitted to turn traveling politicians and political propagandists of any sort. We bow at their domestic shrine, and submit with due humility and gallantry to be governed by them within certain conventional but well-defined limitations. Under this antiquated system, it may be, we are comparatively happy and contented. All classes, male and female, parent and child, guardian and ward, master and apprentice, master and servant, are reasonably comfortable, and we are not, like Rasselas in the happy valley, discontented with our lot. If these old and established usages are suffered to remain to us, and we are not annoyed by officious intermeddlers, we stand up manfully for the compact of government—we hold to the bond of union; for we are a loyal people.

This may be our simplicity, but we go for the greatest good to the greatest number—for law, order, parental and diversified social government; opposed to ultraism; in favor of natural and sensible progressive improvement and amelioration in all things. We are not yet prepared to adopt all your extreme and unfledged theories—Maine-lawism, Mormonism, Spiritualism, Fourierism, Fanny Wrightism, Agrarianism, Fanaticism, and the thousand other nameless heresies and humbugs that political upstarts may press upon our attention. We are content, so long as we are able to follow the ten commandments; and our ministers of the various denominations (for we are not see-

tarrians—Catholic and Protestant have an equality of privilege from time almost immemorial) confine themselves to their appropriate duties; and religion, pure and undefiled before God and man, is proclaimed; and we witness under its benign influence, thousands of good Christians of all classes on their road to Heaven—masters and servants, in the same category, each in his proper element. We are satisfied that such institutions and customs, with slavery in their midst, have done more, and are still doing more, to evangelize the benighted African, than the false philanthropy and all the missionary societies of the North, from the foundation of the world to the present time.

The North, it may be, being better adapted for other systems, has wisely transferred her slavery to her southern brethren, and by turning the products of slave labor to the best account in her manufacturing establishments, has grown great, powerful, and wealthy, whilst the South has its advantage in the agricultural and planting pursuits. Properly speaking, the slavery institution of the South is but that servitude under the great and necessary law of society, practically working up its materials to the best advantage, and essentially preservative of the best interests of all classes and races. Under the diversified social system, wisely adjusted at home, and under a great parental government, all sections have enjoyed unexampled prosperity, because each separate community has been allowed, in regulating its institutions, to adapt them to the climate and their natural capability. Under our laws as they now stand, no more slaves can be introduced from abroad. Whether this system of prohibition is judicious or otherwise, all agree to stand to that policy. In the Constitution, Congress was restricted in the passage of any law to prohibit their importation before the year 1808. To that extent, the framers of the Constitution invited and encouraged an increase of slaves. The power, however, was reserved to each State, as it might think fit, to prohibit their introduction. The State of Maryland had thought proper, by her act of 1783, before the adoption of the Constitution, to prohibit the further introduction.

This had also been the policy of the State of Virginia. After the adoption of the Constitution, Maryland, by her act of 1792, in a spirit of benevolence, provided that the refugees from the troubles in St. Domingo, who had come into the State with their slaves, should be entitled to hold them. The State, again, by the act of 1796, re-affirmed the act of 1783, thus maintaining the policy of non-importation, although fully entitled to import under the Constitution, which had been recently adopted in 1789. The views of Maryland, Virginia, and other southern States, upon this subject, could not be universally carried out, by reason of the privilege conceded to such as chose to avail themselves of it under the Constitution. This result was forced upon Maryland by the eastern States, in part. Those States, if no restriction on navigation acts was imposed upon them by the authorities, were very ready to indulge any who desired an increase in the number of their slaves; and by their aid and essential co-operation, the ninth section of the first article was adopted, expressly against the remonstrances of the State of Maryland. The celebrated Luther Martin, of that State, who was a member of the

general convention, with gigantic powers of intellect, (and no more accomplished jurist ever flourished in this or any other country,) in his explanations of the proceedings of the convention to his own State, upon this very subject, to be found in the first volume of Elliot's Debates, page 372, says:

"The design of this clause is to prevent the General Government from prohibiting the importation of slaves. This clause was the subject of a great diversity of opinion in the convention. A committee of one member from each State was chosen by ballot, to take this part of the system under their consideration. To this committee was also referred the following proposition: 'No navigation act shall be passed without the assent of two thirds of the members present in each House;' a proposition which the staple and commercial States were solicitous to retain, lest their commerce should be placed too much under the control of the eastern States, but which these last States were anxious to reject. This committee, of which I had also the honor to be a member, met and took under consideration the subjects committed to them. I found the eastern States, notwithstanding their aversion to slavery, were very willing to indulge the southern States, at least with a temporary liberty to prosecute the slave trade, provided the southern States would in their turn gratify them, by laying no restriction on navigation acts; and, after a very little time, the committee, by a great majority, agreed on a report by which the General Government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to the navigation act was to be omitted. You will perceive, sir, that the General Government is prohibited from interposing in the slave trade before the year 1808; but that there is no provision in the Constitution that it shall afterwards be prohibited, nor any security that such prohibition will ever take place."

This is made a matter of complaint to the people of Maryland, against the action of the eastern States, of which Massachusetts was then, as now, the head.

George Mason, also, one of the most eminent delegates to the constitutional convention, from the State of Virginia, made a strong appeal against the adoption of this clause. He said:

"This is a fatal section, which has created more dangers than any other. The first clause allows the importation of slaves for twenty years. Under the royal Government this evil was looked upon as a great oppression, and many attempts were made to prevent it, but the interest of the African merchants prevented its prohibition. No sooner did the Revolution take place than it was thought of. Its exclusion has been a principal object of this State, and most of the States of this Union: yet, by this Constitution, it is continued for twenty years."

And he further goes on to say: "That the fifth article, providing for amendments, expressly excepts this article." So that "they have done what they ought not to have done, and left undone what they ought to have done.—(3 Elliot, 452-3.) And amongst the objections he assigned for not signing the Constitution, was, that the general Legislature is restrained from prohibiting the importation of slaves for twenty years.—(Elliot, vol. 1, 496.)

Here were objections urged and relied upon, by these learned, patriotic, and distinguished men from Virginia and Maryland; but it availed not against the interests and inclinations of the men of the East, by whose votes the section was carried. In the proceedings in the East, preparatory to the final assent to the Constitution, or to its rejection, many alterations and amendments were suggested. I have not been able to discover that any formal and distinct objection was ever made to this clause, in the way of amendment. The whole people at home fully indorsed the action of their delegates. The State of Massa-

chusetts, in particular, made very grave objections at that time, to the adoption of the Federal Constitution, but they were on other grounds, as her debates will show. The noble patriotism of her illustrious sons of that day was enabled to surmount all these objections; and by a close vote, the Constitution was at last adopted.

Before putting the vote, the immortal John Hancock, amongst other noble sentiments, thus eloquently remarked:

"That a general system of government is indispensably necessary to save our country from ruin, is agreed upon all sides; that the one now to be decided upon has its defects, all agree; but when we consider the variety of interests, and the different habits of the men it is intended for, it would be very singular to have an entire union of sentiment respecting it. The question now before you is such as no nation on earth, without the limits of America, has ever had the privilege of deciding upon."

These are considerations which I beg to commend, in all their comprehensive force and bearing, to his descendants. He then put the question, whether the convention will accept the report of the committee, as follows:

"The convention having impartially discussed and fully considered the Constitution of the United States of America, reported to Congress by the convention of delegates from the United States of America, and submitted to us by a resolution of the general court of the said commonwealth, and acknowledging with grateful hearts the goodness of the Supreme Ruler of the Universe, in affording the people of the United States, in the course of his providence, an opportunity, deliberately and peaceably, without fraud or suspicion, of entering into an explicit and solemn compact with each other, by assenting to and ratifying a new Constitution, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity—do, in the name and behalf of the people of the commonwealth of Massachusetts, assent to and ratify the said Constitution for the United States of America."

Then follow recommendations of certain alterations and provisions, as proposed amendments, in none of which is any reference made to this ninth section. The vote in the Massachusetts Convention was—yeas one hundred and eighty-seven, nays one hundred and sixty-eight; of her thirteen counties eight were for it and five against it. In Suffolk county the vote was—yeas thirty-four, nays five; Essex, yeas thirty-eight, nays six; Middlesex, yeas seventeen, nays twenty-five; Hampshire, yeas thirty-three, nays nineteen; Plymouth, yeas twenty-two, nays six; Barnstable, yeas seven, nays two; Bristol, yeas ten, nays twelve; York, yeas six, nays eleven; Duke, yeas two; Worcester, yeas eight, nays forty-three; Cumberland, yeas ten, nays three; Lincoln, yeas nine, nays seven; Berkshire, yeas six, nays sixteen. On the motion for ratification being carried and declared in the affirmative, observe how nobly the sons of Massachusetts of that day acquiesced in the settlement. Mr. White arose and said:

"Notwithstanding he had opposed the adoption of the Constitution; upon the idea that it would endanger the liberties of the country, yet, as a majority had seen fit to adopt it, he should use his utmost exertions to induce his constituents to live in peace under, and cheerfully submit to it."

Mr. Widgery said:

"He should return to his constituents, and inform them that he had opposed the adoption of the Constitution, but that he had been overruled, and that it had been carried by a majority of wise and understanding men."

Mr. Whiting said:

"That, although he had been opposed to the Constitution, he should support it as much as if he had voted for it."

Mr. Cooley said:

"He endeavored to govern himself by the principles of reason; and that, as the Constitution had been agreed to by a majority, he should endeavor to convince his constituents of the propriety of its adoption."

Dr. Taylor also said:

"He had uniformly opposed the Constitution; that he found himself fairly beaten, and expressed his determination to go home, and endeavor to infuse a spirit of harmony and love amongst the people."

Other gentlemen who had opposed it took similar patriotic ground. In all these proceedings and high-toned annunciations of broad patriotism, no war was declared against this ninth section, or any other clause of the Constitution, bearing upon the subject of slavery. This, they knew, was a delicate subject, and not to be trifled with, and, like many others, was to be adjusted upon principles of forbearance. They also were well aware upon what terms it had been settled; and they certainly knew, that upon no earthly ground could they justly accuse their southern brethren for any possible augmentation of the slave interest, when they were aiding and assisting, through desire to promote their own interests, in its introduction and perpetuation. If the same sentiments animated the men of Massachusetts of the present day, would they enact personal liberty bills? Would they oppose the fugitive slave law? Would they charter emigrant aid societies to carry war, bloodshed, anarchy, and revolution into a virgin Territory? Would they nullify a Constitution which their forefathers so nobly agreed to stand by? Let them be admonished that the great charter of our liberties can only be preserved and perpetuated under the same high and elevated principles of concession and forbearance.

The very same Government, and no other, founded and established by the men of the Revolution, North, South, East, and what there then was of the West, still demands our allegiance. Such as it is, through weal or woe, (and it has been all weal, and but little woe,) it should command our best affections. He who is not willing to abide by its provisions, and maintain all its guarantees, in good faith, and cultivate an abiding sentiment of loyalty for its majestic proportions, has already committed moral treason. Under its comprehensive clauses, if slavery, as then and now recognized, is part and parcel of it, and of its very essence, still it must be executed in good faith, promptly and unreservedly. So far as negro slavery is referred to and defined by it, the African race within its limits, and throughout its length, breadth, and expansibility, are forever deprived of political rights. They were not parties to it. It was not founded and established to give them any civil franchises. It was created by white men, and for white men, and the posterity of white men. No negro blood—no negro taint affects its vitalizing elements—no amalgamation, nor equality of the white and black races, for a moment sanctioned or upheld it. It is composed of delegated powers, to be used by white men; and such power as was not transferred, is retained by the States, or the people—the white people.

The immortal Father of his Country, and who was president of the constitutional convention, in communicating to Congress the Constitution which had been adopted, in language breathing

the same spirit which animated John Hancock, to which I have adverted, said:

"It is obviously impracticable, in the Federal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the safety and interests of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is, at all times, difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference, amongst the several States, as to their situation, extent, habits, and particular interests; and thus the Constitution, which we now present, is the result of a spirit of amity and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable."—1 *Elliot*, 17.

This great compact—our Federal Magna Charta—is the towering fortress of our national strength. It is the organ of our foreign intercourse, and between the States. As to the first, its powers are ample and undisputed; but in its application to domestic questions and interests controversies may arise. In their determination the Constitution must be the text-book. The people of the States, in constituting the General Government, gave her ample federative powers, merely for the joint purposes of Union—reserving all the rest. No authority is then to be exercised unless specifically granted, or arising by necessary implication. The employment of doubtful power is necessarily excluded. The people of the several States are coequal sovereignties. New States, as they may come into line, must stand upon the same basis. No power is given to restrict one more than another: None can be restrained, except in those matters expressly provided for, and equally applicable to all. It cannot fail to have been observed how cautious the founders were, not only to discriminate between powers delegated or prohibited to the States and those reserved, but also as to the enumeration of rights; therefore two distinct articles, in the way of amendment, were inserted, to wit:

"ART. 9. The enumeration in the Constitution of *certain* rights shall not be construed to deny or discharge others retained by the people.

"ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Both of these articles afford the most conclusive evidence of the design of the Constitution to restrict the General Government, and to prevent an encroachment upon the rights and powers of the respective States, or the people.

Where now do you find the men, in these troublous times, to maintain and stand by the doctrines of the fathers, and to uphold the Constitution, and the settled, fixed, and vested rights of all interests, and all sections, North, South, East, or West? In reviewing calmly, but firmly and dispassionately, the diversified organizations that contend for ascendancy, where is the constitutional and conservative party? Can but one answer be given fairly to this inquiry? It is the great Democratic organization, which stands upon the same platform throughout the broad expanse of this country. Amid the frosty regions of the North, through the various climatic degrees of parallel, to the sunny South—from the stormy Atlantic to the golden shores of the Pacific—on mountain top, and in the deep recesses of the

valley—in town and country—in the magnificent domicile of the opulent, or in the hamlet of the poor—in the council chamber, or the workshop—over land and sea—amongst all classes and climes, and through all weathers, storm and sunshine, the pulsations of the Democratic heart beat in perfect unison. Its votaries everywhere nobly keep step to the music of the Union, stand up for the Constitution, for law, well-regulated liberty, and the defined rights of man, although opposed by diversified foes of every shade, grade, and hue, with doubtful characteristics, and of questionable shapes.

Foremost amongst its adversaries we see a motley assortment of the most discordant elements, bearing aloft on their standard the black flag of anarchy and disunion, fanaticism, agrarianism, higher-lawism, and other abominable monstrosities, that no sensible man can define. The great Democratic legions, a most noble host, with the glorious flag of the Union, the stars and the stripes, floating to the four winds—an invincible army with banners—will rout the conglomerated, heterogeneous, and discordant hosts of all opposition. How are the forces marshaled? Let us begin at the *minimum* and end at the *maximum*. Here comes, first, Gerrit Smith; (Smith is his true name, I believe, and he is not a shifty member of the universal Smith family, probably;) from the Empire State, a radical, pure, and unadulterated Abolitionist. His followers and admirers make no bones in declaring their creed to be the universal abolition of negro slavery everywhere, maintaining their right to do so in perfect accord with the doctrines of the Constitution, and law and order. This, to say the least of it, is bold and manly; but I suppose such a concern can never rise high in the scale of parties. Their dogmas are too essentially absurd and preposterous ever to command much position.

Next in order, we have a rear-admiral, a hero of the sea, going strong upon the restoration of the Missouri compromise, and threatening and breathing war and vengeance if his notions do not prevail. Being rather too much of a Hotspur, with but one State, and that only in part, to back him, I think it likely his old fogysm upon the subject of the Missouri compromise, nor his uncommon vehemence, will aid him in getting strongly on the track. He will probably break down in the training, and we shall not be long troubled with him.

Then comes the redoubtable Colonel Fremont, a squatter hero and mountain adventurer—an inexperienced statesman—a mere political bantering, only remarkable for his dashing eccentricities, well adapted for romantic exploits in *terra incognita*, threading mountain passes and deep gorges; having indomitable energy and hearty good will, he can live as long on air as any other man, and therefore the breeze that now has struck him no doubt is quite an agreeable incident in his destiny. Without experience as a statesman, with no administrative talents to recommend him, he may well be brought forward as the champion of the Black Republicans. Backed by all their strength, with such additional force as may be picked up by bolting and selfish Know Nothingism, in its night-fall of power and decay, he goes it strong on the single idea of “no more slave States.” With the wild materials that compose his army it will prob-

ably be a close race between him and ex-President Fillmore, who comes up as the fourth candidate in order.

Fillmore has had the advantage of having seen some service at home, and has probably improved himself by travels abroad—has seen what is to be seen in western Europe—made a pilgrimage to Rome, that classic land—mingled with the Pope, as well as other dignitaries, and has an air of nationality about him. He is generally backed by the orthodox (so-called) Americans, has accepted their nomination, and his special friends are making great efforts to bring into their disastrous embrace the remnant of old conservative Henry Clay Whigs, whose chivalric party they have, however, formally denounced. With all these fortuitous atoms thrown into combination, still their only hope is to be able to throw the election of President into Congress. From such a Congress, as an electoral college, may Heaven forever defend us! This I take it, is the height of their ambition. If they can get it there, they seem to be willing to trust to sheer luck. The late election of Speaker, after an unprecedented struggle, may well show where the luck will terminate. His supporters will be disappointed even in this calculation.

Fifthly, and the *maximum*, steps upon the noble platform of the great conservative and constitutional party, Pennsylvania's favorite son—James Buchanan—every inch a man, with genuine nationality and whole-souled conservatism in every movement. Not put up before—now the very spirit for the times, as if providentially reserved for this critical occasion; a link between the revolutionary age and the present times; a cotemporary of Jackson and of Polk; cautious, conservative, firm, and manly; sternly imbued in his whole temperament with the spirit of the Constitution and the Union, with large experience in all national affairs, purified by long and illustrious service in all the prominent posts of the Government, State and national, at home and in her embassies abroad; with world-wide renown as a patriot, statesman, and honest man—he comes breathing the pure atmosphere of the Keystone State—a most worthy and just compliment to that patriotic Commonwealth, rich in internal resource, moral power, and Democratic grandeur. He has always borne himself in his high estate as a true man. No charge can justly be made against his rigid virtues, public or private. His friends may well bid defiance to all assaurs. The very personified embodiment of manly Democracy, and worthy representative of its unspotted patriotism—the sage of Wheatland; the youthful soldier, who marched, in the adolescence of his career, to the assistance of a neighboring city, whose monumental towers were threatened by a foreign foe—the profound civilian. From his unexceptionable temperament, can any one who knows him fail to be inspired with the kindest regard and the most profound affection for him? Unambitious, unobtrusive, with all the characteristics of a philosophical statesman—telegraphed, it is reported, during one of our recent hot days, as quietly reposing under the green shade of one of his time-honored trees, with coat off, in *deshabillé*, leisurely and cozily enjoying the fumes of the tranquilizing weed.

Under the lead and counsels of such a staid

patriot and conservative statesman, all sections may well feel safe. The whole country will look upon his success as the harbinger of peace, order, and good government—the full and vigorous execution of all the duties of the presidential station upon the most elevated national grounds, knowing no North, South, East, or West, with the same great flag of union waving equally and securely over all.

Pennsylvania may well be proud of her son and her position, under such circumstances, and can congratulate herself, indeed, as furnishing the keystone of our most noble arch.

Amid storm and tempest, when rockets flew fast, Maryland's immortal bard, from the warship of the enemy, where he was obliged to loiter, penned that imperishable effusion, "The Star-spangled Banner." As he looked from his gloomy quarters surrounded by the enemy, with despondency shaking its cold glances around and about him, he saw the American flag as it floated still high in the breeze, and with the undying impulse of a patriot's heart inspiring his soul, exclaimed:

"The star-spangled banner! oh, long may it wave  
O'er the land of the free and the home of the brave!"

So may we, in this time of dread and consternation, when the enemies of the Constitution and the Union have well nigh taken one half of the Capitol, feel cheering gratulation that our full flag still floats over us, undimmed and unobscured; that our platform is the Constitution, securing to all well-regulated liberty; that our standard-bearers, before high heaven and all earth, hold up that national ensign, the "star-spangled banner," with all the stars and stripes emblazoned upon its ample folds. So long as that waves over sea and land, the rights of all, law, order, and the Constitution, must prevail.

Upon such a platform, under such a banner, and with such a standard-bearer, our noble and gallant army—the Democratic rank and file—aided and assisted, too, by all the conservative men in the country, will rout the combined forces of the Opposition. The watchman and patriot, as he observes the passing movements, and notes the signs in the political sky, will announce that "all is well." God grant that we may be saved from anarchy and ruin, and that this prophecy may be realized!

# THE MASSACHUSETTS RESOLUTIONS ON THE SUMNER ASSAULT, AND THE SLAVERY ISSUE.

## SPEECHES OF SENATORS

# BUTLER, EVANS, AND HUNTER,

DELIVERED

## IN THE SENATE OF THE UNITED STATES.

June 12, 1856.

Hon. A. P. BUTLER addressed the Senate as follows:

Mr. President: The occasion and the subject upon which I am about to address the Senate of the United States, at this time, have been brought about by events over which I have had no control, and could have had none—events which have grown out of the commencement of a controversy for which the Senator from Massachusetts (not now in his seat) [Mr. SUMNER] should be held exclusively responsible to his country and his God. He has delivered a speech the most extraordinary that has ever had utterance in any deliberative body recognizing the sanctions of law and decency. When it was delivered I was not here; and if I had been present, what I should have done it would be perfectly idle for me now to say; because no one can substitute the deliberations of a subsequent period for such as might have influenced him at another time and under different circumstances. My impression now is that, if I had been present, I should have asked the Senator, before he finished some of the paragraphs personally applicable to myself, to pause; and if he had gone on, I would have demanded of him, the next morning, that he should review that speech, and retract or modify it, so as to bring it within the sphere of parliamentary propriety. If he had refused this, what I would have done I cannot say; yet I can say that I would not have submitted to it. But what mode of redress I should have resorted to, I cannot tell.

I wish I had been here. I would have at least assumed, as I ought to have done on my responsibility as a Senator, and on my responsibility as a representative of South Carolina, all the consequences, let them lead where they might; but instead of that, the speech has involved his own friends and his own colleagues. It has involved my friends. It has involved one of them to such an extent that, at this time, he has been obliged to put his fortune and his life at stake. And, sir,

if the consequences which are likely to flow from that speech hereafter shall end in blood and violence, that Senator should be prepared to repent in sackcloth and ashes.

Now I pronounce a judgment on that speech which will be adopted by the public. I am as certain as I am speaking that it is now condemned by the public mind, and by posterity it will be consigned to infamy, for the mischievous consequences which have flowed from it already, and such as are likely yet to disturb the peace and repose of the country.

I said nothing, Mr. President, at any period of my life—much less did I say anything in the course of the debate to which the Senator from Massachusetts purports to have made a reply—that could have called for, much less have justified, the gross personal abuse, traduction, and calumny, to which he has resorted.

When I was at my little farm, enjoying myself quietly, and as I thought had taken refuge from the strifes and contentions of the Senate, and of politics, a message was brought to me that my kinsman had been involved in a difficulty on my account. It was so vague that I did not know how to account for it; and I was far from any telegraphic communication. I did not wait five minutes before I left home to put myself within the reach of such information—and garbled even that was—as was accessible. I traveled four days continuously to Washington; and when I arrived, I found the very subject under discussion which had given me so much anxiety; and it has been a source of the deepest concern to my feelings ever since I heard of it, on many accounts—on account of my country, and on account of the honor and the safety of my kinsman. When I arrived here, I found the subject under discussion. I went to the Senate worn down by travel; and I then gave notice that, when the resolutions from Massachusetts should be presented, I would speak to them, as coming from a Commonwealth whose history, and whose lessons of history, had inspired me with the very highest admiration—I would speak to them from a respect to a Com-

monwealth, whilst, perhaps, the Senator who had been the cause of their introduction ought not to deserve my notice, and would not have received it.

Well, sir, days passed, and those resolutions were not presented. Now, they have been presented; and presented in a different way from any that I have ever known to be submitted from any Commonwealth before. They were not presented by one of its Senators, but were sent directly to the President of the Senate, and the Speaker of the House of Representatives. I waited for some time with the expectation that, when these resolutions should come, I would acquit myself of the painful task which circumstances had devolved upon me. They did not come until yesterday—more than two weeks after their adoption.

In the mean time—on Monday last—I gave notice that I would address the Senate to-day, under the confident belief, not that the present Senator [Mr. Wilson] would be here—because I have nothing to do with him—but that the Senator who has been the aggressor, the criminal aggressor, in this matter, would be present; and if I give credence to the testimony of Dr. Boyle, I see no reason why he should not be present. For anything that appears in that testimony, if he had been an officer of the Army, and had not appeared the next day on the battle-field, he would have deserved to be cashiered.

In proceeding with his preliminary remarks, he expresses his surprise that the Senator from Massachusetts should have aimed his assaults at him [Mr. Butler] individually and at South Carolina, and continues:

Now, sir, I proceed to make my points; and I shall show that what the Senator said of myself, and South Carolina, was not in response to anything which I said; that he has gone outside the record to bring into the debate matters which did not legitimately belong to it by association or connection.

I will maintain these three propositions so certainly that, in my opinion, there will not be one mind here, unless it be disposed to morally perjure itself, which will not acquiesce in them. I will show that his remarks upon me and South Carolina were untrue and unjust; the language used was fictitious; the spirit which prompted it was aggressive; and the whole tenor and tone of the speech was malignant and insulting.

In no speech which I have made during this session did I name Massachusetts or South Carolina. This is a most remarkable thing considering the nature of the debate. I have called what I said, and I have not introduced South Carolina by name into the debate, nor have I brought in Massachusetts. Yet, sir, this Senator alludes to me in two paragraphs. I should like to know why he did not finish my picture in one sketch on the first day when he spoke of me as being "Don Quixote in love with slavery as a mistress, because she was a harlot." I dislike to repeat the obscenity of his illustration. When he had me under review then, why did he not finish me in that general sketch? He took another night; and during that night the chaotic conceptions either emanated from his own mind or were suggested to it by those busy people who seem

to have control over him; and then it was that he made this celebrated attack on me, assailing my reputation as a gentleman of veracity:

"With regret, I come again upon the Senator from South Carolina. [Mr. Butler], who, omnipresent in this debate, overlooked with rage at the simple suggestion that Kansas had applied for admission as a State; and, with incoherent phrases, discharged the loose expectoration of his speech, now upon her representative, and then upon her people. There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from the truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration. But the Senator touches nothing which he does not disfigure—with error, sometimes of principle, sometimes of fact. He shows an incapacity of accuracy, whether in stating the Constitution or in stating the law, whether in the details of statistics or the diversions of scholarship. He cannot open his mouth, but out there flies a blunder. Surely he ought to be familiar with the life of Franklin; and yet he, referred to this household character, while acting as agent of our fathers in England, as above suspicion; and this was done that he might give point to a false contrast with the agent of Kansas—not knowing that, however they may differ in genius and fame, in this experience they are alike: that Franklin, when intrusted with the petition of Massachusetts Bay, was assaulted by a foul-mouthed speaker, where he could not be heard in defense, and denounced as a 'thief,' even as the agent of Kansas has been assaulted on this floor, and denounced as a 'forger.' And let not the vanity of the Senator be inspired by the parallel with the British statesmen of that day; for it is only in hostility to freedom that any parallel can be recognized.

"But it is against the people of Kansas that the sensibilities of the Senator are particularly aroused. Coming, as he announces, 'from a State'—ay, sir, from South Carolina—he turns with lordly disgust from this newly-formed community, which he will not recognize even as a body politic. Pray, sir, by what title does he indulge in this egotism? Has he read the history of 'the State' which he represents? He cannot surely have forgotten its shameful imbecility from Slavery, confessed throughout the Revolution, followed by its more shameful assumptions for Slavery since. He cannot have forgotten its wretched persistence in the slave trade as the very apple of its eye, and the condition of its participation in the Union. He cannot have forgotten its Constitution, which is republican only in name, confirming power in the hands of the few; and founding the qualifications of its legislators on a settled freehold estate and ten negroes? And yet the Senator, to whom that 'State' has in part committed the guardianship of its good name, instead of moving, with backward treading steps, to cover its nakedness, rushes forward, in the very ecstasy of madness, to expose it by provoking a comparison with Kansas!"

He charges the Senator from Massachusetts with garbling, misquoting, and misconstruing the constitution of South Carolina; defends the State and her revolutionary history from the aspersions of Mr. SUMNER, and proceeds:

But, sir, the Senator undertakes to say that, because I have advocated here the constitutional rights of the South and the equality of these States, I subjected myself to an imputation which I shall not read myself. It bears his own handiwork. Mr. Secretary, I beg your pardon for asking you to read such a thing as this, but it is your duty, not mine.

The Secretary read the following extract from Mr. SUMNER's speech of May 19:

"But, before entering upon the argument, I must say something of a general character, particularly in response to what has fallen from Senators who have raised themselves to eminence on this floor in championship of human wrongs! I mean the Senator from South Carolina, [Mr. Butler], and the Senator from Illinois, [Mr. Douglas], who, though unlike as Don Quixote and Sancho Panza, yet, like this couple, sally forth together in the same adventure. I regret much to miss the elder Senator from his seat; but the cause, against which he has run a tilt, with such activity of animosity, demands that the opportunity of

exposing him should not be lost; and it is for the cause that I speak. The Senator from South Carolina has read many books of chivalry, and believes himself a chivalrous knight, with sentiments of honor and courage. Of course he has chosen a mistress to whom he has made his vows, and who, though ugly to others, is always lovely to him; though polluted in the sight of the world, is chaste in his sight—I mean the harlot Slavery. For him, his tongue is always profuse in words. Let her be impeached in character, or any proposition made to shut her out from the extension of her wantonness, and no extravagance of manner or hardness of assertion is there too great for this Senator. The frenzy of Don Quixote, in behalf of his vench Dulcinea del Toboso, is all surpassed. The asserted rights of Slavery, which shock equality of all kinds, are cloaked by a fantastic claim of equality. If the slave States cannot enjoy what, in mockery of the great fathers of the Republic, he misnames equality under the Constitution—in other words, the full power in the National Territories to compel fellow-men to unpaid toil, to separate husband and wife, and to sell little children at the auction block—then, sir, the chivalric Senator will conduct the State of South Carolina out of the Union! Heroic knight! Exalted Senator! A second Moses come for a second exodus!

But not content with this poor menace, which we have been twice told was 'measured,' the Senator, in the unrestrained chivalry of his nature, has undertaken to apply opprobrious words to those who differ from him on this floor. He calls them 'sectional and fanatical'; and opposition to the usurpation in Kansas, he denounces as 'an uncalculating fanaticism.' To be sure, these charges lack all grace of originality, and all sentiment of truth; but the adventurous Senator does not hesitate. He is the uncompromising, unblushing representative on this floor of a flagrant sectionalism; which now domineers over the Republic, and yet with a ludicrous ignorance of his own position—unable to see himself as others see him—or with an effrontery which even his white head ought not to protect from rebuke, he applies to those here who resist his sectionalism the very epithet which designates himself. The men who strive to bring back the Government to its original policy, when Freedom and not Slavery was national while Slavery and not Freedom was sectional, he arraigns as sectional. This will not do. It involves too great a perversion of terms. I tell that Senator, that it is to himself, and to the 'organization' of which he is the 'committed advocate,' that this epithet belongs. I now fasten it upon them. For myself, I care little for names; but since the question has been raised here, I affirm that the Republican party of the Union is in no just sense sectional, but more than any other party, national; and that it now goes forth to dislodge from the high places of the Government the tyrannical sectionalism of which the Senator from South Carolina is one of the maddest zealots."

Mr. BUTLER. Now, Mr. President, how any man, who has not been excluded from society, could use such an illustration on this floor, I know not. I do not see how any man could obtain the consent of his own conscience to rise in the presence of a gallery of ladies and give to slavery the personification of a "mistress," and say that I loved her because she was a "harlot." I beg pardon for repeating it. What in the name of justice and decency could have ever led that man to use such language? That is the language of Clon. It is a somewhat remarkable thing, that in the speech which I delivered here in reply to the Senator from New Hampshire, I used the word "slavery" but in one paragraph, and that was in response to a remark of his speaking of the Supreme Court as the citadel of slavery. I rebuked him. I said I would rather regard that court as the defender or as the promontory of the Constitution; and that he was at too great a distance ever to reach it by any arrow which he could discharge from his bow. Sectionalism was not in the speech itself. When I spoke of individuals in a particular section, I did not speak in terms which would imply or convey the idea that I meant the public of the slaveholding and non-slaveholding States. I confined it to that section who are suffering at this time, I hope to a limited

extent, and who are burning their fires until they will be reduced to the castic ashes of disappointment and disgrace. I did not speak of sectionalism in any other point of view. Sir, there are men on this floor who I believe honestly differ from me. I would not make any personal allusion to them. Far from widening this controversy, the object of my speech was to appease public sentiment. In the course of it I ventured to say, what I had never said before, that the man does not live who could look without concern at the consequences of a separation of these States effected in blood. I remarked that I would not say there was not intelligence enough ultimately to form new governments and make them a union of confederacies. Sir, in that speech I attempted to throw oil upon the troubled waters. My friends in some measure blamed me for the tone of my remarks. The so-called reply was already in the sap, the poisonous sap behind, and the Senator had to use his speech as a conduit to pour it out on me and on the country, when he had less occasion than was presented by any speech which I ever before made. Anybody who says we are incapable of preserving free institutions, I should be inclined to consider a slanderer on free institutions; but I will never agree to live in any Government that has not some operative and enforceable provisions of a constitution to preserve my rights. If the Government were as it formerly was, South Carolina and Massachusetts having a common interest, do you think the Senator could arise as an adversary to be applauded by his people? There was a time, sir, when his people would have disowned him for that very speech. At this day, I do not say they will acquit my kinsman; I dare say they will not; but the time is coming when there will be but one opinion—that that is the most mischievous speech which has ever been delivered in this country, and has involved more innocent persons. If the contest goes on upon such issues as it makes, blood must follow. I do not look on any such scenes with pleasure. I have not temper for them, though when a young man I might, perhaps, not have been indisposed to embark in the hazards of contests.

Whilst upon this point, I may remark that Josiah Quincy, for whom I have heretofore had a great respect, says the Senator has not gone a hair's breadth beyond the line of duty and truth. After my explanations here I hardly think he will say so. He is the only man of high respectability whom I have yet seen or heard make such a declaration. He made it, too, with a reproach that I was sorry to see escape from such a man. He said, alluding to the fracas in the Senate-house, not in the Senate, that it is only a part of that tribe who carry bowie-knives and revolvers. Sir, I never wore a secret weapon in my life. I am not going to discuss the fact that I have used open weapons, and that is the only way I choose to deal, but that is not the way we can get them to deal with us.

Unfortunately, I have had scenes of that kind which I have regretted all my life to some extent. I am mortified to hear such a man as Quincy making a charge upon a whole section, when I question if there is a southern man in this House with a pistol or bowie-knife in his pocket. He has gone out of the way gratuitously to say it at

We are of a "bleed" who wear themselves part of  
in a dress." I am sorry to see such things creep-  
ing into the public mind. They mortify me;  
they annoy me.

But now I come to the resolutions of Massa-  
chusetts. I ask that they be read.

The Secretary read them as follows:

*Resolved, That the Legislature of Massachusetts.* In the year 1856,  
in a speech concerning the recent assault upon the Hon.  
Charles Sumner, at Washington.

*Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts.* That we have received with deep concern, information of the recent violent assault committed in the Senate Chamber at Washington; upon the person of the Hon. Charles Sumner, one of our Senators in Congress by Preston S. Brooks, a member of the House of Representatives from South Carolina—an assault which is a provocation, could justify—brutal and cowardly in itself—a gross breach of parliamentary privilege—a ruthless attack upon the liberty of speech—an outrage of the decency of civilized life, and an indignity to the Commonwealth of Massachusetts.

*Resolved, That the Legislature of Massachusetts,* in the name of her free and enlightened people, demands for her representatives in the National Legislature entire freedom of speech, and will uphold them in the proper exercise of that essential right of American citizens.

*Resolved, That we approve of Mr. Sumner's manliness and courage in his earnest and fearless declaration of free principles; and his defense of human rights and free territory.*

*Resolved, That the Legislature of Massachusetts is imperatively called upon by the plainest dictates of duty, from a devout regard to the rights of her citizens, and respect for her character as a sovereign State, to demand, and the Legislature of Massachusetts hereby does demand, of the national Congress, a prompt and strict investigation into the recent assault upon Senator Sumner, and the expulsion by the House of Representatives of Mr. Brooks, of South Carolina, and any other member concerned with him in said assault.*

*Resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolves to the President of the Senate, and Speaker of the House of Representatives, and to each of the Senators and members of the House of Representatives from this Commonwealth, in the Congress of the United States.*

House of Representatives, May 29, 1856.

Page 3. CHARLES A. PHELPS, Speaker.

In SENATE, May 30, 1856.

ELIHU C. BAKER, President.

MAY 31, 1856.

Approved. HENRY J. GARDNER.

Secretary's Office,

Boston, May 31, 1856.

I certify the foregoing to be a true copy of the original resolves.

Attest: FRANCIS DEWITT,  
Secretary of the Commonwealth.

Mr. BUTLER. These resolutions give rise to more serious reflection than anything which has occurred to me in my time. I have been in the Senate for ten years, and this is the first occasion that I have ever seen one of the sovereign States of the Union taking cognizance of matters which occurred in Congress, with a view to influence the judgment of Congress in relation to one of their members. This is the first occasion of the kind in the history of the country. It has been done from an *ex parte* view of the subject; for it is now very apparent that the resolutions of Massachusetts were introduced and passed without regard to the evidence. These resolutions anticipated and asserted what may not be true—what the public may not think true—what the Senate may not think true—what the House of Representatives may not think true; and yet the sovereign State of Massachusetts, before there

was any evidence, indicted my relative upon a minor—a measure which would have taken Stafford to the gallows. What, sir, indict a man in the language of these resolutions upon the rumor of newspapers? These resolutions—I say it more in sorrow than in anger—betray a temper and precipitancy of judgment that do not look like having a regard to that dignity which is associated with justice. I shall speak respectfully. So far as I have spoken of Massachusetts hitherto, no exception can be taken; but, when I speak of Massachusetts now, it must be of Massachusetts as she has sent forth these resolutions—under the influence of a feeling which pervades her—under the influence of a sentiment which denied Daniel Webster the right to speak in Faneuil Hall, and threw off the coffin of Lincoln because he had fallen in performing his professional duties in the cause of his country. Boston now is not the Boston that she was when Hancock wrote, and Adams spoke, and Otis thought, and Warren fell. They would not recognize her. She is no more the same. Yet, from that very hotbed of bitter feeling to the South, and especially to South Carolina, have I to look for the feelings which dictated these resolutions. I have to meet an indictment—for what? It is said that the liberty of speech has been violated. Upon that point I intend to deliver some remarks which, whether they be correct or not, I shall throw out. Our ancestors were a people of hardy morality. Generally, when they spoke, they spoke directly from the heart. Such a thing as printing speeches beforehand, or having them printed without being uttered in the Senate, was unheard of in their day. They were men who stood on their legs, and spoke out. They had hearts and mouths. They did not resort to the appliances of paper and printing before they brought their speeches here. If the Senator from Massachusetts were present, and would answer me, I would put the question to him, "Was not that speech of yours printed and published before you spoke it in the Senate of the United States?" What is the meaning of that provision of the Constitution, which says that a Senator, or a member of the House, for any speech or debate in either House, shall not be questioned in any other place? Does it mean to give the Congress of the United States the power of deciding what is privilege without the courts questioning it? If so, it goes far beyond the settled doctrine in Great Britain at this day, which was maintained by Chief Justice Deane, in the case of *Stockdale vs. Hansard*; and that case has much to do with the matter now under consideration. *Hansard* had undertaken, under the authority of Parliament, to publish a book which contained a libel. Without such license or privilege, all agreed that he was responsible. The English House of Commons said that having granted him the license, it was their privilege. Chief Justice Deane took cognizance of the case, on the broad ground that the courts could determine what was privilege under the Constitution of England. He said: "as a common law judge, I will show the Parliament whether I am not capable of deciding on my responsibility as one of the great departments of this Government." Can it be maintained—and it is one of the most eloquent decisions I ever read—"that the House of Commons, by claiming a priv-

ilege, shall thereby appropriate it to themselves, and screen a villain from the consequence of his libel?" The judge said that although by the law of Parliament newspapers were passed through the country under the frank of members without paying postage, that privilege did not give them the right to make use of a newspaper as a libel. He uses the strong expression: "God forbid that Parliament should afford such a pretext for doing wrong." I say the same thing now.

Will you tell me that a member rising here and handing a speech to the reporter, and telling him to print it, comes within the purview of the Constitution? Has he uttered words in debate? Will you tell me that a member who has made a speech of five sentences may append to it a newspaper like the Tribune, which has libeled me, and has the right to send through the post offices of this Government, and have folded by the persons employed in the folding-room at the public expense, into my daughter's parlor, that which would cost him his life if he told it to me? Has it come to this, that a Senator upon this floor can claim such an extensive privilege, under the law of Parliament, that he can send off, by the twenty thousand, speeches to England and to the four corners of the globe, where I am not known, and then claim protection upon the ground that he has a privilege which precludes him from being questioned elsewhere for words spoken in debate?

The liberty of speech and of the press is the great conservative element of a Republic; it is to the political, what fire is to the material world, a subservient and affluent minister, when under the control of prudence and intelligence; but, when unchecked and unregulated, a consuming foe, withering and blasting everything along its pathway of ruin. Render freedom of speech tributary to the proprieties, decencies, and restraints of social life, and you may crown it with all the ministries and supremacies of intellect and liberty, but release it from them, and it becomes a blind and maddened giant of evil, tearing down the bulwarks of social order, and desecrating the very sanctuary of republican liberty. What would you think of a reckless man who should set fire to his own house, or should go about claiming the privilege of throwing his fire wherever he could among the most combustible materials, and say he had the right to do so, on the ground that he was a freeman, and could do as he pleased. Away with such liberty! Liberty that is worth anything must be in the harness of the law.

Liberty of speech and liberty of the press must have two restraints. The first is the highest, which will always govern a class of men who cannot violate it—the obligations of honor, decency, and justice. Another restraint upon licentiousness is that a man may publish and speak what he pleases with a knowledge that he is amenable to the tribunals of the law for what he has done. Congress cannot pass any statute to say that men shall not write against religion, or against the Government, or against individuals. Neither can Congress pass a law, nor can any State pass a law depriving the tribunals of the country of the right of saying whether you have gone beyond the limits of liberty, and have used your power, under that name, with

criminal recklessness, with a licentious indifference to the feeling of individuals and the consequences upon society. I do not wish to live in any community where it is otherwise.

The press is losing its power, and it ought to lose it, for it is now beginning to be an engine of private revenge, and individual expression, instead of being a responsible organ of public opinion. Suppose I were to go to New York, and indict one of the editors there, whom I could name, for the most atrocious libel that has ever been uttered upon the South. I will not name the editor, but he has uttered a sentiment akin to one which has been expressed by the Senator from Massachusetts. I saw in a New York paper—I have alluded to it heretofore—a statement that the southern States are too feeble and weak to take any part in a war—that all they can do is to take charge of their negroes! It said that if a war should take place between England and the United States, the English fleet would only have to go to the capes of the Chesapeake, and the effeminate masters would be kept at home. Fifty thousand slaves, insured to toil, could be mustered into service, and they would have the power to put their masters to the sword; and when the declaration of peace should come, the result would be the freedom of the slaves and the proscription of the masters! Suppose I should go into the community where this libel was uttered, and indict a man for such a sentiment as this, what would be the consequence in the present state of public opinion? It is idle, worse than idle, to talk about that as a remedy.

Liberty of the press! Sir, that man has franked twenty thousand of his speeches; and some of them, if I am not misinformed, were printed long before it was delivered. To bring him within the privileges of parliament is a mockery—a perfect mockery.

Now, Mr. President, I approach another most painful part of this case, and I come to it in no bad temper; for, God knows, if my heart could be read, there is no one who would sooner than myself have averted the state of things which now exists, if I could, consistently with my honor and the honor of the gentleman to whom I shall allude. The resolutions of Massachusetts undertook, before any evidence was heard, to pronounce sentence on Mr. Brooks. Sir, I will tell you who Mr. Brooks is, and why he felt so deeply in reference to these abominable libels. I do not allude to him now as my hereditary kinsman; I think that is the smallest view to take of the matter; but I am his constituent. I live in "Ninety-six"—a district through which, if you pass, you will read upon the tombstones epiphany which would reproach him for tame and ignominious submission to wrong and to insult.

He has as proud and intelligent a constituency as are to be found in any part of the globe. I am his constituent. But more than that, he has worn the epaulet and the sword; he has marched under the Palmetto banner, and his countrymen have awarded to him a sword for his good conduct in the war with Mexico. That sword was in some measure committed to him, that he might use it, when occasion required, to maintain the honor and the dignity of his State. When he heard of this speech first, and read it afterwards, this young man, in passing down the street, heard but one

...and it was, that his State and his blood  
...He could not go into the  
...or into a reading-room,  
...without the strictest commentary reproaching him.  
...the question was asked,  
...of South Carolina escaped, and  
...to be a tame submission?" What advice I  
...I do not now undertake to  
...say.

But, sir, when this was said to this gentleman  
...he felt that if something was  
...not done he could not face his constituents with-  
...out losing his usefulness, and without there being  
...saint on his honor and on his courage. He may  
...have been mistaken in some respects. His  
...coming into the Senate house was no option of  
...his. When he formed his determination, as I  
...am informed,—and I have kept aloof from con-  
...versation with him,—I judge from the evidence  
...he had no purpose to profane the Senate house.  
...May the Senate house had been profaned before.  
...I had rather to-morrow take ten blows inflicted  
...on my body, than have the gas of the rhetorician  
...poured out upon my character and State.

The Senator from Massachusetts chose to  
...make his place here one from which to assail the  
...history and reputation of South Carolina, and  
...to assail an absent constituent of the gentleman  
...who has taken redress into his own hands. In  
...such a condition of things who could be placed in  
...a situation more difficult? Surely, Mr. Presi-  
...dent, something is to be pardoned to the feelings  
...of a man acting under sensibility, and under the  
...dictates of high honor. If any one was here,  
...placed in a situation to feel the touching appeal  
...made by the ghost to Hamlet, "If thou hast  
...nature in thee, bear it not," he was the man.  
...Now, I ask the Secretary to read the extract  
...which I have marked in the book which I send  
...to him, and I do not intend to say where it comes  
...from till it is read.

The Secretary read as follows:

"Do not believe that I am inculcating opinions, tending  
...to disturb the peace of society. On the contrary, they are  
...the principles that can preserve it. It is more dangerous  
...for the laws to give security to a man, disposed to commit  
...outrages on the persons of his fellow-citizens, than to au-  
...thorize those, who must otherwise meet irreparable injury,  
...to defend themselves at every hazard. Men of eminent  
...talents and virtue, on whose exertions, in perilous times,  
...the honor and happiness of their country must depend, will  
...always be liable to be degraded by every daring microant,  
...if they cannot defend themselves from personal insult and  
...outrage. Men of this description must always feel, that to  
...submit to degradation and dishonor is impossible. Nor is  
...this feeling confined to men of that eminent grade. We  
...have thousands in our country who possess this spirit; and  
...without them we should soon deservedly cease to exist as an  
...independent nation. \* respect the laws of my country, and  
...revere the precepts of our holy religion; I should shudder  
...at shedding human blood; I would practice moderation and  
...forbearance, to avoid so terrible a calamity; yet, should I  
...ever be driven to that impassable point, where degradation  
...and disgrace begin, may this arm shrink palsied from its  
...socket if I fail to defend my own honor?"

Mr. BUTLER. Who uttered that sentiment?  
...It is the sentiment of a gentleman whose speeches  
...have always commended him to me. It is a sen-  
...timent worthy of the ancient days of Boston when  
...Dexter spoke. This is a northern man speaking;  
...and I adopt his language. I say with him that,  
...when things "tend to that impassable point where  
...degradation and disgrace begin, may my arm  
...shrink palsied from its socket if I fail to defend  
...my own honor!"

Sir, that sentiment was uttered at a time when  
...clergymen confined themselves to the pulpit, and  
...preached, against crime and vice; when they did  
...not use the pulpit as a recruiting station to issue  
...Sharpe's rifles, and to mingle in all the bitter strife  
...of the forum and the Agora. It was uttered when  
...Boston knew how to respect the feelings of others.  
...I concur in all that is said by Mr. Dexter. I  
...deprecate blood and violence. I will not utter  
...all that my heart prompts me to say, for fear of  
...encouraging young men; but this I will say, that  
...no son of mine should ever submit to insult  
...without satisfaction.

At this point, on a suggestion of Mr. CLAY,  
...the honorable Senator yielded the floor, and the  
...Senate adjourned. The day succeeding, Mr.  
...BUTLER continued:

I said yesterday that my friend, my representa-  
...tive, my relative, one who is associated with me  
...by more ties than either of these—had taken  
...redress in his own hands—had resorted to his  
...own mode of redress. I said that there were con-  
...siderations connected with the occasion which,  
...though they could not justify him before a legal  
...tribunal, would excuse any man of his character  
...and position, representing such constituents as  
...he represented, and bound in some measure to  
...sympathize with the opinions of the section with  
...which he is associated. It was impossible that  
...he could separate himself from those conclusions  
...which other might not appreciate, and some could  
...not understand. But I say that gentleman dare  
...not—I do not say I would have advised him—  
...but in his estimation he could not go home and  
...face such a constituency without incurring what  
...is the worst of all judgments—the judgment of  
...the country against a man who is placed as a sen-  
...tinel to represent it.

If, in the course of these proceedings and the  
...events which have grown out of the speech which  
...has been made by the Senator, it shall be said  
...that Massachusetts can be justified by falling  
...back on an opinion which will justify her Sena-  
...tors and Representatives, it is, I must be per-  
...mitted to say, one of the unfortunate symptoms of  
...the times in regard to which we have no com-  
...mon tribunal to decide between us. Sir, it seems  
...to indicate a crisis when the opinion of the con-  
...stituency of one portion of the Confederacy ap-  
...plauds one whilst it is ready to consume and put  
...to the stake another. We have always supposed  
...that public opinion would be right; and sir, I  
...distinguish public opinion very much from popu-  
...lar prejudice. Popular prejudice is that which  
...would consume in ignorance to-day, what it  
...would repent of to-morrow. Public opinion is  
...the judgment of an intelligent community, not  
...formed under the excitement of the moment. It  
...is not the sentiment of an irresponsible multi-  
...tude; it is not the sentiment of an *ex parte* deci-  
...sion; it is not the judgment which can find its way  
...into the history of the country, or which posterity  
...will adopt as that which ought to be pronounced  
...on the occasion. Public opinion is the highest,  
...the gravest, the most solemn judgment to which  
...any of us can defer. I would not give one cent  
...for what is called public opinion, if it depended  
...upon *ex parte* views of any subject. And I say  
...that the resolutions which have been sent here

From the Legislature of Massachusetts, are not only *operte*, but I am sorry to say that I fear their counselors were prejudice and malignity, even giving their counsels through the darkness of ignorance. I do not mean ignorance so far as regards the body individually; for I have no doubt it is intelligent enough; but I mean ignorance, so far as regards pronouncing a judgment without understanding the facts on which that judgment ought to turn. I say that my friend has been condemned without a hearing. He has been condemned by a judgment which, if suffered to go into history uncontradicted, unexamined, and unrefuted, would consign him to a fate which his character does not deserve, and shall not receive as long as I can stand here as his friend and advocate.

But, sir, before I approach the constitutional and legal view of these resolutions, I must acquit myself of the duty which I in some measure assumed yesterday evening, of presenting to the public the circumstances under which the fracas, as it is termed, or the assault, on the Senator from Massachusetts, occurred.

I said that my friend and relative was not in the Senate when the speech was being delivered, but he was summoned here, as I have learned from others. He was excited and stung by the street rumors and the street commentaries, and by the conversations in the parlors, where even ladies pronounced a judgment; and, sir, woman never fails to pronounce a judgment where honor is concerned, and it is always in favor of the redress of a wrong. I would trust to the instinct of woman upon subjects of this kind. He could not go into a parlor, or drawing-room, or to a dinner party, where he did not find an implied reproach that there was an unmanly submission to an insult to his State and his countrymen. Sir, it was hard for any man, much less for a man of his temperament, to bear this.

I intended to reserve a commentary which was at once made on the speech of the Senator from Massachusetts as the most important part of my conclusion; but I find that I can apply it at no better time than this. I allude to the commentary which was pronounced at the time; not when a controversy had arisen; not when it was supposed that the temptations of an adversary, or even the public mind, had so far made an issue that he was obliged to take one side or the other; but it was pronounced by a gentleman of distinguished position, a sage, a patriot, a man who had won laurels in the field, and justly deserved to be considered the Nestor of the Senate. Sir, the remarks made by the member from Michigan [Mr. Cass] struck me as the most consuming piece of criticism; and I think, taking it all into consideration, it would be more terrible to me than all the arguments of an advocate, and all the array that could be brought on one side or the other. It was the testimony of voluntary justice.

"I have listened," said that distinguished gentleman; [Mr. Cass,] who had worn the sword and the robes of the Senate, with distinction and dignity—"with equal regret and surprise to the speech of the honorable Senator from Massachusetts. Such a speech—the most un-American and unpatriotic that ever grated on ears of the members of this high body—as I hope never to hear again, here or elsewhere. But, sir, I did not

rise to make any comments on the speech of the honorable Senator, open as it is to the highest censure and disapprobation."

I am not as young a man as Mr. Sumner; nor do I pretend to be in a condition to defy or place myself against the testimony which would put into operation a current of public opinion, such as was pronounced by the honorable Senator from Michigan in his place; but, sir, I can say, that, with my nature, I could not have slept that night on my pillow with such a censure and such a criticism pronounced in the Senate of the United States. I should have been ready to send a message to make atonement in some way. I should have wiped out, as far as I could, by repentance and atonement, the unmanly aggression and insult which had been offered, and was condemned by the highest authority. I do not undertake to say what was the opinion of that Senator, but I can quote from his State the most consuming judgment I ever heard pronounced. The sentiments expressed in the paragraph to which I allude, and in others, show that when the effervescence of popular prejudice shall have subsided, this case might be tried, even in Massachusetts itself. I should not be afraid to try it there. They are not slaves to be governed by fanatical madness. One of the journals there, in a remarkably well-written article, which I adopt, says:

"Charles Sumner's recent speeches in the United States Senate have not in any respect enhanced his reputation as a man, as a debater, or as a statesman. It is impossible, it seems to us; for any fair-minded man, who loves truth and regards honor and decency, to read these effusions, all reeking with falsehoods, bitterness and wrath, and indecency, without feeling that Massachusetts has been disgraced by an unworthy son in the Senate Chamber, before the country and in the face of the world. We venture the assertion that no parallel to these vituperative outbursts of Sumner can be found in the annals of Congress, nor in the records of any legislative assembly in the world. Overpowering passion, madness itself, seems to have bereft him of his senses, and left him oblivious of truth and honor, of the courtesies of intelligent and dignified debate, and of the proprieties of civilized life.

We do not, we cannot, use terms too strong in relation to this matter. It is not the character of Charles Sumner alone that is involved. The fair fame of Massachusetts suffers. Whatever may have been the political errors of Massachusetts, she has ever, heretofore, been represented in the Senate of the United States, and we might also say in the House of Representatives, by men, statesmen—Webster, Winthrop, Everett, Choate, Davis, and Bates—who defended their rights, and knowing dared to maintain, and sustained them with courtesy, dignity, and ability; in such a manner as to command the respect of their opponents, the applause of their friends, and the admiration of all their countrymen."

I knew some of the gentlemen here named, and I should never be afraid to meet them in debate anywhere, because with them I should never apprehend the assaults of calumny and slander. I cannot be reduced to such an issue that I must discount calumny and slander by the language of a blackguard. If it be the theory of gentlemen that when one uses language in debate transcending the sphere prescribed by propriety and justice, we are to resort to the same mode for redress and satisfaction, I am a non-combatant; I cannot enter into a controversy with gentlemen in which they are at hand words.

These remarks are not without their direction. I have used them to show what was the impression on the public mind at the time when the assault was committed. Mr. Bronson, a friend

Mr. Sumner I presume, says in his testimony that on hearing the speech, he anticipated something. It was the general impression of the whole community that he deserved to receive a chastisement; or, at least, that he was bound to make atonement in some way for the insults and the wantonness of his insults to a gentleman (as Bishop Lane) then absent! This was the common sentiment pervading the public mind at Washington. What was my friend to do? Sue him? Indict him? If that was the mode in which he intended to take redress, he had better never go to South Carolina, again! Was he to challenge him? That would have been an exhibition of chivalry having no meaning. Although he has been upon the field, both in open war and in a private affair, I should be very sorry to see any crisis requiring it again. A challenge would have been an advertisement to the world of his courage, when there was not a probability of its being tried. He would have made himself contemptible, and perhaps might have been committed to the penitentiary for sending a challenge. Then, what course was left to him to pursue? Mr. Sumner had opportunities enough to make an apology. God knows I could not have resisted the adulatory criticism of the distinguished Senator from Michigan, perhaps the most imposing authority in the Senate. He paid no regard to him, and for a very good reason; his speech was written, and had gone out, and he could not contradict what he had sent forth to the public with malice aforethought.

Well, sir, what did Mr. Brooks do? It is said he sought Mr. Sumner in the Senate Chamber. It is the last place in which he wished to seek him. He would have met him in an open combat, on a fair field, and under a free sky, at any time. And when the Legislature of Massachusetts chooses to say that his conduct is cowardly, let her try him in any way she chooses. [Applause.]

Sir, a man who occupies a place in the Senate, representing a great Commonwealth like Massachusetts; or representing any State, as one of her Senators, occupies a very high position, from which he can send forth to the public what may affect the character of almost any man, except General Washington, or some one upon whose character the verdict of history has been rendered. There is scarcely any man who can withstand the slander which may be pronounced from the Senate Chamber of the United States. For this reason I would never look, and I never have looked, beyond the public position of a member here, to go into his private and personal character. I would not do it, because by so doing I should do a wrong which I could not redress. Even a word escaping my tongue in this Chamber, as a Senator, might go far to injure a man where he could not correct it. We are in a position which requires high considerations for the regulation of our conduct. I agree thoroughly with General Jackson, that the slanderer who involves third persons in difficulty and danger, is an incendiary against whom we should guard more than any one else, in a parliamentary point of view. I will quote General Jackson's language. He said: "Over the doors of each House of Congress, in letters of gold, should be inscribed the words, The Slanderer is worse than the Mur-

derer." A single murder is horrible. It may take a single individual from society. But when I look at the mischievous influence of slander, I find that it pervades a whole community; makes war in society; sets family against family; individual against individual; section against section. It is the most cowardly mode in which a war can be conducted.

With the state of opinion to which I have alluded prevailing, what did Mr. Brooks do? Of course he did not undertake to challenge Mr. Sumner to a fist fight, or a stick fight, or any other kind of fight. He thought Mr. Sumner deserved a chastigation, and he undertook to give it to him according to the old-fashioned notion, by caning him. I have not heard Mr. Brooks detail the circumstances. I have not conversed with him in regard to the matter; I take my information from the published testimony. Mr. Brooks, not finding him anywhere else, came to him while he was sitting in his seat here, after the Senate had adjourned. He came to him in front—different from the statement made to the Massachusetts Legislature. He was half a minute in his poem or explanation. He said: "Mr. Sumner, I have read your speech. I have read it carefully, with as much consideration, and forbearance, and fairness as I could; but, sir, I have come to punish you now for the contents of that speech, which is a libel on my State, and on a gray-haired relative."

Instinct would have prompted most men to rise immediately. Mr. Sumner did rise. In the act of rising, Mr. Brooks struck him across the face—not, as has been represented, over his head, for that is not the truth, nor is it borne out by the testimony. On the second stroke the cane broke. It is the misfortune of Mr. Brooks to have incurred all the epithets which have been used in regard to an assassin-like and bludgeon attack, by the mere accident of having a foolish stick, which broke. It broke again; and it was not, as I understand, until it came very near the handle, that he inflicted blows which he would not have inflicted if he had an ordinary weapon of a kind which would have been a security against breaking. His design was to whip him; but the stick broke, and that has brought upon him these imputations.

It has gone through the country that Mr. Brooks struck him after he was prostrate on the floor. None who know this young man could entertain such an idea. I have known him from childhood. I used to have some control over him; but the scholar has become the master, and I suppose he would not care much about my advice now. By no hereditary tie our families are more closely united than any two with whom I have been acquainted. But that is far apart from the question. Independent of his filial feelings for me, and his regard for me as his constituent and Senator, I have no doubt that a personal feeling of regard for myself individually influenced him.

He approached that man with no other purpose than to disgrace him as far as he could; but the stick broke. After it broke he was reduced to a kind of necessity—a contingency not apprehended at all in the original inception of the purpose of making the assault. Notwithstanding all that has been said of his brutality, he is one of the best tempered fellows I ever knew—impetu-

ous, no doubt, and quick in resentment, but he did not intend what has been assigned to him.

After all that has been said and done, on a post bellum examination, what is it? A fight in the Senate Chamber, resulting in two flesh wounds, which ought not to have detained him from the Senate. Being rather a handsome man, perhaps he would not like to expose himself by making his appearance for some time; but if he had been in the Army, there was no reason why he should not go to the field the next day; and he would deserve to be cashiered if he did not go. What does his physician say? He says that there were but two flesh wounds; that he never had a fever while under his care and attendance, and that he was ready to come into the Senate the next day, but for his advice; and his advice was, that he should not come into the Senate, because it would aggravate the excitement already too high. He did not recommend him not to go into the committee room to be examined on the ground that his wounds had enfeebled him, but for other considerations, because it might aggravate the excitement already prevailing to an extent which might lead to mischievous consequences.

This, then, is the mode of redress to which Mr. Brooks resorted. I do not say what I should have advised him to do, but perhaps it was fortunate that I was absent in one respect, for I certainly should not have submitted to that insult. Possibly it might not have been offered if I were present, though I do not know the fact, because I cannot say exactly what would be the course of one of those persons who have a way of fabricating speeches. Perhaps, being in his speech, he would have had to read it; but I think it possible that on the appeal which I would have made on my discretion, his friends might have induced him to reform it in some way so as to conform at least to the requirements of common decency in public opinion. If he had not done so, I do not know what would have been my course.

For this transaction, as I have detailed it, and without the intelligence which I have detailed being before them, the Legislature of Massachusetts have sent their resolutions here. These resolutions are without a precedent in the history of this country. I hope other Senators will speak to them, for they are not only an insult to South Carolina and her representatives in Congress, but I think they assail the Constitution of the country. Before commenting on them, I may be permitted to allude to the first precedent of a congressional fight, which was between two members from New England.

This affair is said to be an evidence of southern violence and southern ruffianism. Some papers speak of the bowie-knife and the revolver of southern blackguards. Why, sir, the first fight which took place in Congress was between Matthew Lyon and Roger Griswold, from Connecticut. Our ancestors in those days looked upon a fight with very little of the importance which is now attached to it. They said it was so unimportant, that they were vexed that so much of the time of the House was occupied in considering it.

It seems that Matthew Lyon, originally an officer in the Army, had been cashiered and awarded a wooden sword. He then lived in Con-

necticut; there was a pretty pressing opinion against a low man, and he could not stand it. He had to move over into Vermont, a new State, then the frontier of the country. He was elected a member of Congress from Vermont. He was one of the Democrats. I suppose he was one of the Red Republicans of that day against John Adams's administration. Was he a Democrat?

Mr. FOOT. Yes, sir; he was a Democrat.

Mr. BUTLER. It was before the gentleman from Vermont taught school there, and Lyon assumed to be a kind of apostle of liberty and Democracy. Not satisfied with instructing the people of Vermont, he went to Mr. Griswold of Connecticut; stood behind his seat and told him, "Sir, you do not represent Connecticut correctly; I know these people; they are mean people; they will take \$1,000 as soon as \$9,000 for a salary." Griswold stood it for a great while. Finally Lyon said, "I will go over to Connecticut; I will talk to these people, and I will have an influence upon them; I will show whether you ought to occupy your seat or not." Griswold said, "I hope you will not go with your wooden sword." He repeated this twice; and after somebody suggested to Lyon that the third time was too much, he spit in Griswold's face. A great hubbub was raised, and Lyon was brought up, I suppose, to his perfect delight, to be tried as to whether he should be expelled from the House of Representatives or not. On the following day, Griswold involved himself in a difficulty without any consideration. He took a good hickory stick and went to Lyon. He did not give him any notice at all. They fought with hickory sticks, and spit-boxes, and tongues, all over the House of Representatives, while the House was in session. Our hardy ancestors at that time did not think a fight of so much importance that they should take it into serious consideration. They said, let them both go. They refused to expel either of them.

When Mr. Randolph struck Mr. Allstine, the matter was brought before the House; but none of these things were considered of a sufficient magnitude to invoke the high function of a Legislature sending its message to Congress to tell them what to do. Massachusetts is the first to set the example. She has not only administered a reprimand to Mr. Brooks without any evidence; she has not only assumed to pronounce judgment before hearing the evidence, like a judge passing sentence on a criminal before hearing his defense; but she has undertaken indiscriminately to say that she demands of the Congress of the United States to carry out her behests in regard to what she considers to be an outrage upon the privileges of the Senate.

Can anything be more insulting to the Congress of the United States than the spectacle of a State sending down a message to its "faithful Commons"—a message that they are to pronounce this or that judgment? Are we to submit to this? I did not wish to make the contest; but, in my opinion, these resolutions, in the terms they import, ought not to have been received by the Senate.

Taking all these things into consideration, indicated as Mr. Brooks has been by an *ex parte* accusation, without evidence; without even the finding of a grand jury, what is his position? If

his case could go before any impartial tribunal, and I could employ counsel such as I would select, probably I would choose my friend from California, [Mr. WELTER,] who lives in a free State, who is an impartial man, an advocate, a gentleman, a man of honor and courage.

If a civil action were brought by Mr. SUMNER against Mr. Brooks for assault and battery, I pledge myself that, with all the resources he could bring to his command, he would be able to reduce the verdict to a penny damages. What would be the state of the pleadings? Mr. Brooks struck Mr. SUMNER, would be the allegation. It would be admitted that he struck him, and inflicted two flesh wounds. Mr. SUMNER would reply, "I am a Senator of the United States; and although the Senate was not in session, I was in that sacred temple, and my character is so sacred under the privileges of the Senate, that I am not to be assailed." What would Mr. Brooks's counsel rejoin? The rejoinder would be, "Sir, you had profaned and disgraced the seat you occupied, before you were struck."

Then the question would be, what is this privilege so much spoken of—freedom of debate? The court would examine the question, whether what was said was privileged within the rules of the Senate, or whether it was a libel. If it should be pronounced to be a libel, and I were the judge before whom an action were brought—if a man brought before me could show that another insulted his mother, or his father, or his sister, or himself, or his country, I would say to the man who inflicted the blow, "My duty is to fine you; you are not justified by the law; but it is my privilege to say that, whilst I will enforce the law and maintain its dignity, I shall fine you as small a sum as I possibly can within my discretion."

Now let me state the testimony in such an action. It would be that, in the absence of the Senator from South Carolina, Mr. SUMNER rose in his seat, and pronounced what northern papers themselves say is an unparalleled insult, not only to the State of South Carolina, but to her absent Senator. It is one for which I cannot account. I ought to thank one of the Boston editors—I think the editor of the Courier—for a beautiful, perhaps an undeserved compliment, which he has paid to my speech. I ought to thank him here publicly, as one who has independence enough to express his opinions in opposition to the tide prevailing in his part of the country. In my absence, language was used of me which, I venture to say, no one who knew me believed. I might put that question to the Senator's colleague. I know nothing against either of the Senators from Massachusetts personally or privately. I dare say, as neighbors and individuals, I should not have the least right to complain of their judgment outside of the influences which operate upon them publicly and politically. They have no right here to attack any man's private character. I never transgressed the limits of propriety to reach over and look at any man's private character. I do not know that I have anything against Mr. SUMNER's private character; but that has nothing to do with the matter. Here, in his place, in *colore officii*, as a Senator from Massachusetts, he undertook to traduce and calumniate the revolutionary history of South Carolina, and to make remarks in regard to one of her Senators

on this floor, a coequal with him, to which no one could have submitted. It happens that that Senator was the constituent of a member of the House of Representatives, who was his friend. That friend, finding that his own blood was insulted by an insult to his absent relative, was goaded on by the necessity of circumstances to take some measure of revenge. As I said yesterday, surely under such circumstances much is to be pardoned to the feelings of a man acting under such motives.

With these remarks I dismiss the resolutions of Massachusetts, hoping that somebody else besides a Senator from South Carolina will say something of them, for I do not wish to identify myself too much with them as a personal matter. I have attempted to keep aloof from that.

The Senator from Massachusetts, in his speech, made one or two allusions which I must incidentally notice to show how erroneous he is whenever he touches any subject. He says I indulged in licentious abuse of the people of Kansas. When he speaks of the people of Kansas I suppose he means those who were sent there by the aid societies. I presume he considers nobody as the people of Kansas except those who have the impression upon them of the people whom he designates to choose and comprehend within the term, "people of Kansas." He has no regard for the people of Kentucky, of Missouri, of Iowa, of Virginia, of South Carolina, who may have gone into that Territory, but he says I have abused its people. I never did abuse them. I did say that the man who came here with the so-called petition of Kansas in his hands without signatures, was attempting to come into the fold of this Federal Government by a fraud. I did not use as strong an expression as my friend from Louisiana, [Mr. BENJAMIN,] my friend from Virginia, [Mr. MASON,] and others. I did not say that the petition was a forgery. I denounced it as a violation of the rules of the Senate to print a paper of that kind, or to give it the dignity of a paper coming from a State. This is all that I said. I did not abuse the people. But what does Mr. SUMNER say of the portion, my portion, if he chooses to call them so, though I do not wish so to characterize them, of the people of Kansas? He speaks of them as "hirelings, picked from the drunken spew and vomit of an uneasy civilization—in the form of men—

"Ay, in the catalogue ye go for men;  
As hounds and grayhounds, mongrels, spaniels, curs,  
Shoughs, water-rugs, and demi-wolves, are called  
All by the name of dogs."

Sir, he could not have provoked me in the spirit of controversy to say that. I have no doubt many worthy individuals have gone there under the influence of aid societies; I have not compared them, as the Senator has those who have gone there from Arkansas, Missouri, and Virginia, to the genus of wolves, dogs, and hirelings from the spew of an uneasy civilization. All are dogs, in his estimation, that do not come under the impression of his indorsement. This is language which I could not use of any set of men with whom I was not acquainted. If I were to settle in Kansas to-morrow among those very people, I think it probable that I should be on good terms with them; for I have never had a dispute with a neighbor. I do not think these people would

disturb me. But what think you of this denunciation—this rhetorical bombardment from the Senate of the United States, of a class of individuals, as honorable and brave a set of men, I doubt not, as any other, though, perhaps, reckless to some extent. I regret the issue pending in Kansas. I said before, and now repeat, that the very last fate to which this country should be reduced, would be to commit the arbitrament of great questions to the issue of the sword in the hands of youth willing to contend and pleased with the pride of engaging in arms, and having bestowed on them all the fascination which can be imparted by danger and trial.

Mr. BUTLER then goes on to show Mr. SUMNER guilty of what bears a very close similitude to an intentional misrepresentation in charging him (Mr. BUTLER) with saying that the people of Kansas should be disarmed; and also shows up Mr. SUMNER's—now notorious—imitation of the apostrophe of Demosthenes, which he admits is a remarkable imitation, and is the best part of his (Mr. SUMNER's) speech. He closes with the following scathing peroration:

Mr. President, I have convicted the Senator of making a speech which was not in response to anything I said. I have convicted him of such historical errors as no man can mistake. I have convicted him of making allegations against me of being ignorant of law and of Constitutions, and yet when he undertook to quote and expound the constitution of South Carolina, I have shown that he either never read that constitution, or he could not understand it, or, if he did understand it, he willfully misrepresented it. He has been guilty of the *suppressio veri* and the *suggestio falsi*. He cannot escape from these propositions.

I have a copy of the Senator's speech before me, and now I am going to turn his gun upon him. I ask the Senate to see if I do not turn it upon him to such an extent as to allow me to apply the apposite quotation of which I have often made use:

"Mutato nomine, de te  
Fabula narratur."

Here is what he says of me:

"With regret I come again upon the Senator from South Carolina, [Mr. BUTLER,] who, omnipresent in this debate"

Why, sir, I have counted the Congressional Globe, and my remarks make but twelve pages, while his are thirty-two. I have not gone into the subject at as great length as my friends from Alabama, [Mr. CLAY,] Georgia, [Mr. TOOMBS,] and others. My speeches all put together on this subject are but twelve pages, and his are thirty-two; while those of his coadjutors amount, I suppose, to a hundred more. Yet he said I was omnipresent in this debate! I will not say that he is omnipresent in this debate, but he is omnipresent everywhere out of the debate. He says, that I "overflowed with rage at the simple suggestion that Kansas had applied for admission as a State, and, with incoherent phrases, discharged the loose expectation of his speech, now upon her representatives, and then upon her people." I said it was a fraud, and the Senate said so. Why did he single me out? Again, alluding to me, he said:

"There was no extravagance of the ancient parliamentary debate which he did not repeat; nor was there any possible deviation from truth which he did not make, with so much of passion, I am glad to add, as to save him from the suspicion of intentional aberration."

I do not know that I have ever been an imitator in my life. Those who know me best say that I am rather *sui generis*. I never borrow from Demosthenes, and palm it off as my own. As for my deviation from the truth, let me ask, did he tell the truth when he quoted the constitution of South Carolina, and there was no such clause in it as he stated? Did he tell the truth when he undertook to say, that her imbecility was shameful during the Revolution? I have shown that she absolutely sent bread to Massachusetts. Did he tell the truth when he meant to impute to me what he has charged here? I retort upon him everything that follows.

I retort on him the very language which he applies to me. He accused me of such a probability to error that I could not conform to the line of truth, or was continually deviating from it. I have convicted him before the Senate, by the evidence which I have adduced, of calumniating the history and character of South Carolina, and of misrepresenting her constitution. He has done this, not in response to anything I had said, or anything which was legitimately connected with the debate. He has undertaken to charge me with ignorance of the law and the Constitution, which is perfectly independent of his arbitrary *dictum*—the *dictum*, allow me to say, of a man who has never conducted a great law case in this country. I believe no one would buy an estate worth \$10,000 upon his opinion of the title. I would not engage him to conduct a case, not that he is not a clear man, but I would not trust him as a lawyer. And yet he undertakes to be my judge. What right has he to pronounce judgment on me as a lawyer? I am reduced to a pretty predicament at this time of life, if I am to be subjected to such a judgment! It is a judgment about which I care little; and I do not suppose any man would give fifty dollars for it even in Massachusetts.

"He cannot open his mouth but out there flies a blunder."

I sincerely hope that what he has said is a blunder. I do not know but that he may have thought he would escape scrutiny and exposure. I hope that, when he opened his mouth and said what he did in reference to these matters, it was a blunder. He said of me, "the Senator touches nothing which he does not disfigure." I can say of him he has touched nothing which he has not misrepresented, except it be in his general declamation, and there is no detecting a man in that; it is a matter of taste. I appreciate highly the compliment I received this morning in the Boston Courier as to the merit of my speech. The Senator says of me, that "the Senator touches nothing which he does not disfigure—with error sometimes of principle, sometimes of fact." I apply this to him with this exception: I say error nearly always of principle, sometimes of fact. I leave the Senate to decide between us in that respect. Again he said of me:

"He shows an incapacity of accuracy, whether in stating the Constitution or in stating the law—whether in the details of statistics or the diversions of scholarship."

I shall not compete with him in scholarship

for I should be vulnerable there; but "men who live in glass houses should never throw stones." Of all the things which that Senator ventured to do, I think he exposed his house most when he made that assertion, with the detection which I have fixed upon him of error, injustice, and malignity. It is nailed upon him, and he cannot get rid of it. I care not how far fanaticism may undertake to influence the judgment of public opinion, it cannot alter the truth. Truth is sometimes slow in making its impression on the public mind, but, when made, it is evidence which produces a belief that cannot be resisted. That belief will grow out of my statements, my remarks, and my references, and is just as certain as the truth of the evidence, and he cannot escape from it.

Mr. President, I have detained the Senate much longer than I wished. When I gave notice that I should speak to the resolutions of Massachusetts, it was with perfect confidence that the Senator would be in his seat. Finding that these resolutions were not here, on Monday last I gave notice that I should speak on Thursday, still confident that he would be here? Yesterday, having heard that perhaps he would not be present, I inquired in as delicate a manner as I could when he would be here? Although our relations are not friendly, I did not wish to assume a position which would be even apparently inconsistent with fair chivalry and bearing. I inquired whether he would be in the Senate within a fortnight, and, if so, I said I would postpone my remarks. Finding that it was his purpose to go, in a few days, to Massachusetts, and that he would not be likely to return for three or four weeks, I could not allow the opportunity to pass. I have stated these facts to show that I do not stand here taking advantage of his absence. I was willing to wait any reasonable time, but I could not allow error to prevail longer in relation to my State, my friend, or myself. This is my position.

Sir, if there is any one individual who more than another regrets the occasion on which I have spoken, it is myself. I have no temper for

strife. I am passing through the last chapter of my public life, and I have no wish to identify my name with anything like a personal controversy. I have never sought it. When the question comes to be examined and solved, Who was the aggressor? it will be found that it was not I on any occasion. I admit that I have three peculiarities of manner—impatience, excitability, and perhaps absent-mindedness. They are peculiarities which have followed me from the cradle. But, sir, I hope I have never known the time when reason and repentance would not suppress even a temporary injustice. If injustice is done to me, or a wrong or insult offered, I never stop to parley in words. I ask justice, and if it is not given, I never would be in the wrong if I could help myself; but when I am in the right I do not think any man can blame me for vindicating my principles.

Now, sir, I appeal to the good sense of this country. I appeal to the lessons which its grave history inculcates. I appeal to the position which it occupies in relation to the history of the world, and to the high responsibilities which now rest on this Confederacy, not to allow it to be dissolved in blood. If we are to separate, let us have common sense enough to do it in a way becoming intelligent men, who have learned their lessons from the highest sources of intelligence and wisdom. If we are to live together, let it not be upon the terms prescribed or intimated by the tone and temper of the licentious and aggressive language of the speech delivered by the Senator from Massachusetts. It is impossible for self-respect to allow me to sit here and listen quietly to such a speech. If there were separate confederacies to-morrow, he dare not utter it without subjecting himself to a peril which he will not encounter now. He would then put his section in a position to make war, and he would be responsible to a higher tribunal than that of those who have crested themselves into it under an influence which I think must perish; and I hope the day is fast coming when the fires of that limited sectionalism will burn out, or will be reduced to the ashes of disappointment and disgrace.

FROM THE

## HON. JOSIAH J. EVANS'S SPEECH,

DELIVERED IN THE SENATE OF THE UNITED STATES, JUNE 23, 1856.

The Senate, as in Committee of the Whole, having under consideration the bill to enable the people of the Territory of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population—

Mr. EVANS said: Mr. President, the subjects which have grown out of this unhappy Kansas affair are of very grave import. I would willingly, very willingly, avoid, if it were possible, mingling in this controversy. I have no taste for it. It is against the habits of the last thirty years of my life; for within that period, so far as I remember, I have on no occasion found it necessary to make anything like a forensic effort. But, sir, the Senator from Massachusetts not now in his seat [Mr. SUMNER] has not left me any choice. He has thought proper, in a most ruthless manner, to assail my State, and to assail my colleague. This requires at my hands something in reply. In making this reply, I do not purpose to indulge in any unkind language, much less to violate any parliamentary law.

The subjects which I propose to discuss are the legitimate inferences growing out of that which he has introduced into his speech. So far as I am capable of understanding it—and I certainly have no desire to misrepresent either that Senator or anybody else—the great object of the Senator's speech seemed to be threefold: First, to excite the people, the Free-Soil people—the "free people," as he called them—in Kansas, to rebellion and resistance to the law. That seemed to be his first object. His second object was, to assail and vituperate my respected friend and colleague, [Mr. BUTLER;] to heap all the opprobrium he could on the slave States generally, and the State of South Carolina in particular. To this, sir, was added the further object of magnifying, as far as in him lay, the present condition, and former, and particularly the revolutionary, services of the State of Massachusetts. Now, sir, upon each of these subjects I have something to say—very little, indeed, in relation to Kansas. Sir, my heart bleeds at the unhappy condition of that country. The efforts which have been made, from the time of the passage of the Kansas bill, to defeat its operation by means which I believe originated in this Hall, have been incessant and without any remission. Mr. President, I am an old man; and for the last thirty years of my life, the business of it has been to endeavor to arrive dispassionately at just conclusions. I am too old to be excited by party conflicts. I have therefore endeavored to turn my attention to this subject as dispassionately as I could; and the deliberate judgment to which I have come is, that if the people of Kansas—the pro-slavery and anti-slavery party—had been suf-

fered to act for themselves, the unhappy condition in which that country is now placed would never have existed. But, sir, the politicians—those who live by excitement—would not let this matter rest. I have no doubt you will remember, sir, that before the Kansas bill was passed, hundreds of thousands of pamphlets were distributed through this land, for the purpose of exciting the public prejudice against it. It was branded as a fraud, as a swindle, as a breach of faith on the part of the South. Those pamphlets were echoed back by the remonstrances of three thousand New England clergymen, and laymen without number.

Mr. President, I beg to ask what was this plighted faith which it is charged that the South violated in the Kansas bill? What was it? It was simply the repeal of the Missouri restriction—I do not call it compromise, because it partakes of nothing of the nature of a compact or compromise. Well, sir, what was that Missouri restriction? I do not propose to enter into a discussion of it. I desire simply to say that it was an act of Congress. When Missouri came here requiring admission as a State, objection was made that she was a slave State. Missouri had a right, I presume, to decide this matter for herself. She was settled mainly from Virginia and other slaveholding States. Slavery existed there extensively, and had existed there before the purchase of Louisiana, of which it was a part. Well, sir, for the sake of peace, after there had been much discussion on the subject, the South, headed by Mr. Lowndes, agreed that Missouri should be admitted, and that after that time no slavery should exist beyond a certain line. As I said before, this was a mere act of Congress. The North gave nothing for it. They had no right to object to the admission of Missouri as a slaveholding State. It was usurpation in them to pretend that they had a right to exclude her. If, then, the North had no right to object, she gave nothing for this plighted faith of the South, as it is called. It was simply an act of Congress, subject to repeal whenever Congress thought proper to repeal it.

If, sir, there was any inducement on the part of the South to assent to this Missouri restriction, it was the belief, which they had a right to expect, that the slavery agitation should cease. They had surrendered a portion of their territory, that to which they had as good a title as any other portion of this Union, and they had a right to expect that the slavery agitation would cease. If anybody has a right to complain of this breach of faith, it is the South. The slavery agitation has been continued from 1820 up to this time; there has been no remission in it. If it has partially died out on some occasions, the first oppor-

tunity which presented itself has been seized to revive it with still greater virulence.

Mr. President, I do not propose to go further on this subject. It has been so often discussed that it would be an unnecessary waste of the time of the Senate for me to attempt to discuss it again; but this agitation seems to have arisen out of the question of slavery; and on that I have something to say, though but very little. Sir, the South—the slave States—are not propagandists; they are content with their institutions as they are; they are content with that form of civilization which exists amongst them; they desire not to extend it to New England or to any other portion of the United States, who do not choose to receive it. But, sir, whilst they are willing to do this, there is nothing in their nature, and there is nothing in their institutions, which inclines them to submit tamely to any aggressions on their rights. If slavery be a sin, it is ours, and we are willing to bear it. Neither New England nor any other section of the country comes in for any participation of it. If, as has been said, it is an incubus on the advance of civilization—if it is an incubus on the energies of any people—that incubus rests on our people, and does not paralyze any other section. If we are willing to bear it, why should others desire to relieve us of that of which we do not complain?

But it is said, "You are not content to keep your institutions in your own section, but you desire to extend them to Kansas." Well, sir, if we desire to extend them to Kansas, have we not a right to do so? Does not Kansas belong in part to the Louisiana purchase? Did we not pay equally—I do not say we paid more—but we paid our full share of the price of that country. If gentlemen wish to know why we particularly desire to have Kansas, I can tell them. If the slavery agitation had ceased, and if, after the Missouri compromise, those who live in the free States would have been content to allow things to remain as they were, there would never have been any movement to change that understanding between the two sections of the country. But, sir, no sooner had they succeeded in placing the Missouri restriction on our settlement of that northwestern country, than both Houses of Congress were flooded with petitions to abolish slavery in the District of Columbia, to abolish what was called the slave trade between the States, and, more than that, to abolish it in the forts and garrisons and every other place over which Congress had any jurisdiction. Did I not hear the Senator from Massachusetts [Mr. Wilson] say, that it was the intention of his party to abolish slavery in the Territories, in the District of Columbia, and every where else where they had power? If they will abolish it wherever they have the power, they will get the power whenever they can. The same spirit which would exercise the power will get the power whenever it can. Let any man cast his eye on the map of this immense domain, extending from the Atlantic to the Pacific ocean, and he will see a space there, outside of the existing States, abundantly large to make States enough to give the gentlemen what they desire. Whenever you have sixty States in this Union, three fourths of them can alter the Constitution, and abolish slavery everywhere. You have thirty-one now; you want only twenty-nine.

Where are they to come from? Kansas and Nebraska can make six; New Mexico will make half as many; California may be well divided into three States; and there is no doubt of the fact, I venture to say, that within the next forty or fifty years it will be accomplished—that the Indians will be driven out, and those large territories, extending from the Atlantic to the Pacific, will be divided into States of this Union. Was it strange, then, that the South should be alarmed at this state of things? I did not hear it; but I have understood that, in 1850, a Senator here from one of the free States said their object was to build a wall around slavery—a wall of freemen, to render slave property unproductive, and to force its emancipation.

Mr. BUTLER. "Cordon," was the word. Mr. EVANS. Well, sir, Kansas, although it is but one State when added, will be good against three more. And was it strange, then, that the South should desire possession of Kansas merely as a guarantee? There is no pretense that they can occupy any other portion of that immense region. Everybody knows that slavery will not do for a farming country merely. It is of no value in a graining country; it is of no value in the mechanic arts; it can only be used to advantage in the cultivation of the great staples. There is no pretense that any one of the great staples that constitute the great material of our foreign commerce, can be cultivated anywhere within the limits of these Territories outside of the Territory of Kansas. I ought, Mr. President, to say, in this connection, that, although I have expressed our fears as to the future, yet, with such gentlemen as I see around me from the free States, I have nothing to fear. I know that the honorable Senator from Connecticut [Mr. Foster] would do no such act of foul injustice as to interfere with slavery in the States. And if the question was to-morrow, whether the Constitution should be altered, and this great and crying wrong perpetrated, he would not do it; and I can say the same of many others whom I see here to-day; but can I forget, or can anybody forget, what is the progress of this thing? Why, sir, was not Daniel Webster refused the use of Faneuil Hall because it was supposed he had expressed some degree of toleration for the institution of slavery? What guarantee have I—what guarantee can anybody have, that, in twenty or thirty years from this time, those who are here now will not be elbowed out as they have been in some of the States by some more illiberal persons than themselves?

These, Mr. President, are the reasons why we desire Kansas; but it was not allowed. The very instant it was opened to the slave population, that instant there sprung up a contrivance—a machinery was set in operation of which I do not choose to speak—the object of which was to defeat this act of Congress, and, as was said by the Senator from Massachusetts, to devote this Territory to freedom. Well, sir, if they can devote it to free population in the ordinary way, without the use of this new scheme of immigration of which he spoke—and which I suppose is that which has been in operation—if they can get possession of it without resort to this new scheme of immigration, we cannot object; I, for one, would not object.

Mr. President, I now propose to submit some remarks on this hated subject of slavery. Sir, I am not frightened by a name. A wise legislator looks to things as they are; and he who would legislate for this great Republic must look to it as it is. A state of things exist here which, perhaps, exists nowhere else; but it is here, and you must deal with it as a wise and honest man should. I do not mean in any remarks which I shall make to reproach Massachusetts, or any other State or section of the world, on the subject of the slave trade. It is true that, at least so far as South Carolina is concerned, we participated very little in it. Some few ships were fitted out in Charleston, but I doubt if a native of the State ever had any participation in it. But, sir, I reproach nobody for it. At that period in the history of the world, it was thought right. There was the concurrent testimony of the civilized world that, to capture the wild savage of Africa, and reduce him to a state of subjection, to feed and clothe him, and civilize him, and Christianize him was no wrong? I say, therefore, that I reproach no man for it. We followed only the popular sentiment which prevailed in the world. But, sir, I think we have a right to complain, and it is the only complaint on this subject I have to make, that, if others have gone before us, if we have been outstripped in finding out that this system was wrong, those persons who have been thus fortunate will let us alone until we ourselves become sufficiently enlightened to concur in their opinion. This, we think, we have the right to ask; this is all we do ask.

I propose to enter into no ethnological inquiry about the unity of the races. My own opinion, my own judgment is, that we are all one—probably descended from a common ancestor; but that is very immaterial. We find men different on the face of the earth—as different as they would be if they were not descended from a common ancestor; but in relation to the African, no man in this House, and no man out of it, can say that there is any corner of this earth, upon which the African race are as well off, as well provided for, with more of the elements of happiness, than in the slave part of these United States. I assert it without the fear of contradiction. I know not from whence it has come; but this I know, that the Africans were slaves in the days of the Pharaohs; that nine out of ten of them are slaves in their native land; and that in no country of which I am aware are they received upon an equality with the white race. In confirmation of the fact which I have just stated, that nine out of ten of them are slaves in their own country, I beg leave to refer to an incident in Park's travels in Africa. In the year, 1796, after having visited the interior, when he returned to the coast of Senegal, finding a vessel bound for Europe, he took passage in a slave ship, bound for Charleston. In that ship there were one hundred and sixty Africans. Having been a year in their country, he understood their language, and was able to converse with them. He found that of the whole one hundred and sixty, only four had been born free. The rest were slaves. If any man desires to know what is the state of slavery in Africa, let him read Park, and Lander, and the recent book of Captain Canot.

Many of the negroes at the South are intelligent, although they have not much mental culture—certainly very little that is derived from books. They are an improving people—improving in intelligence and in morals. I have no doubt that the time will come when God will work out his own problem in relation to Africa. Carlyle says, I think with some truth, that all the great events in the history of man have generally been produced by a single individual, or by but very few; that the great reformation in religion was produced by Luther; that Cromwell and his associates in England produced a wondrous change in the notions of mankind, in relation to civil and religious liberty; that a new impetus was given to this ball by the American Revolution, of which Washington was the chosen instrument of Providence to accomplish. Sir, for aught I know, it may be that, in the providence of God, in his own proper time, a deliverance will be worked out for this race. At present they are not fit for it, but they are going on in improvement, both mentally and morally. Of one thing I am sure—when that time arrives, some more fit instrument will be used than those who have now thrust themselves into this business, prematurely, and in a manner wholly uncalled for. I doubt very much whether Parson Beecher will be a chosen instrument in the hands of God for the purpose of effecting this or any other great and beneficial change in the affairs of mankind.

Sir, as I said before, I am not frightened by names. I am not alarmed by the fear that I shall be held up in some future fourth of July speech, or some college oration, or in the columns of some filthy newspaper, as the advocate of slavery. That has no terrors for me. I stand here to legislate for this country as it is. If the institution of slavery be an evil, to whom is it an evil? Is it to the master? What injurious effect does it produce upon him? Is he not as much of a gentleman, is he not as moral a man, is he not as pious and religious a man, is he not as distinguished for all the cardinal virtues as the people of any country on the face of the earth? If he is not, I have not found out the fact.

If it be an evil to the African, where, I ask, is his condition better? Is it in Africa? Let Park and the travelers in that country answer the question. Is his condition better in Hayti or Jamaica? Let those who desire correct information on that point go to some fountain of truth, and they will find it. I would recommend every man who embarks in this controversy with the hope of bettering the condition of the African, to read the letter of Governor Wood, of Ohio. On his way to his consulate in South America he stopped at Jamaica. Let any man read what he says, and compare it with what he may see at the South—not what he has read in Mrs. Stowe's novel—and he will find the truth of what I assert, that the condition of the African is better in our southern States than in any of those countries in which he has been emancipated.

I ask, further, is his condition better in the East? Is a free negro in New England as well off as a slave who has a good master? and nine out of ten, I believe I might say ninety-nine out of a hundred, are good masters. Let the facts speak for themselves. Look at the census. Although

emancipation has been going on, and fugitives have been flying to the free States, the census shows that, in the slave States, the slave population has increased infinitely beyond the increase of the free people of color, with all these appendages, in the free States. If you go to the records of pauperism and poverty, what do you find? You find that he is a being infinitely more degraded than the white man. In 1850, in the State of Massachusetts, with a population of over \$20,000 white inhabitants, there were 389 convicts in her penitentiaries, and 47 black convicts out of a negro population of 9,000. In Connecticut, there were 146 white and 30 black convicts in her penitentiary. In New York, you find the same disproportion.

The result is, that in Massachusetts there is 1 white convict out of every 2,522 whites, and 1 black convict for every 262 negroes. In New York, there is 1 white convict in 2,056, and 1 black convict in 142. In Virginia, there is 1 white convict in 5,570, and 1 black convict in 11,600. I do not suppose that these figures present exactly a correct statement in relation to Virginia, for I suppose the slaves there are not punished in such a way as to exhibit in prison returns the full result of crime. I presume they are punished, as in South Carolina, in some summary way of which no special record is kept; but, so far as Massachusetts and New York are concerned, the question is settled beyond all controversy.

The rapid increase of population in the ordinary way is looked upon by all writers as one of the strongest evidences of the bodily comfort at least, of the subjects of it. Crime and pauperism are the fruits, not of comfort and independence, but of want and destitution. The fact, that in Massachusetts there is 1 white convict out of 2,522, and 1 black convict out of 262, exhibits a state of things, showing beyond all question that in those regions of boasted freedom the black man is in a sad condition.

I am sorry, sir, that necessity compels me to speak of the absent Senator from Massachusetts. I do not intend to use his own language, or to be unmindful of what is due to myself, but I have to speak of his facts. What could be the object of the wondrous tirade which we heard from him about freedom? Does he mean that, in the state of things which exists in this country, he thinks it desirable to turn loose three millions of Africans? If he does, he means what few people besides himself—few considerate people—would suppose to be practicable. The Senator from Massachusetts, [Mr. Wilson,] who is present, has defined his position. He disclaims any right to interfere with slavery in the States. It is a fair inference, as I have already remarked, that, though he is now restrained by the Constitution, he would do it if he had the power; but in that I may do him injustice. The other Senator from Massachusetts [Mr. Sumner] has never, I believe, defined his position on this point. He has never said—in fact the contrary is to be inferred—that the Constitution affords us any guarantee. I suppose, then, (to borrow a manufacturer's term,) that he belongs to that stripe of the anti-slavery party who deny that the Constitution has guaranteed slavery, and who contend that Congress has the power to abolish it, and is

in duty bound to exercise the power as soon as it can. This is the doctrine of Garrison, and of some papers which are sent to me every day—among the rest, one called the Radical Abolitionist. If such be the Senator's views, I can only say that they are utterly impracticable. I shall not waste the time of the Senate in discussing such a scheme. If it is to be done on payment of the value of the slaves, \$1,000,000,000 will not pay for them. If they are to be emancipated and sent to Africa, that sum will not pay the expense of their transportation and maintenance there until they are able to maintain themselves. If the object of that party be to emancipate them, and leave them in the States, it requires no sagacity to see what will be the result.

Sir, between the white man, North and South, and the black man, there is a deep, an impassable gulf. It is as manifest at the North as at the South. In 1847, I traveled through New England and New York. I was ten days in Boston and three weeks in New York. During all that time I never saw a negro at work. It is well known there that a white man will not work with him. This with some people is the objection to allowing slaves to go to Kansas. They say the white man will not work with the negro. If there be any man who in his senses believes that the negro's condition would be bettered by emancipation now, I have never met him, unless he be one of those whom I have seen and heard on this floor. I need not say, what is obvious to everybody who knows anything about the matter, that his condition would be infinitely worse.

If these declamations about freedom, and these commiserations for the poor negro's condition, have any meaning—if they are to result in anything, I should suppose they would result in something to better his condition. Now, will his condition be bettered? No man, I think, will rise here in his place and say that it will.

But another fruitful subject of declamation—the Senator from Massachusetts spoke largely about it—is, that we send little children to the auction block—that we part husband and wife. I can inform him that this act which he thus justly denounces is as much denounced in the State of South Carolina as in Massachusetts. Sir, I live in a slave country; I live in a district in which the slave population exceeds the white by two thirds; and yet I affirm here, that I have never known an instance in which a separation has been made between husband and wife, or, as I have heard, mother and her children. If gentlemen will look at the census, they will see that by far the greater part of the slaveholders own from one to ten slaves. When you come, on the partition of estates, to divide that number between families, there must necessarily be some separation; but as to putting them on the block, and selling them to anybody who may choose to buy, I never heard of it; I never knew it; and I do not believe the popular sentiment in any part of South Carolina would tolerate it for a moment.

In this connection I may say that the man Legree, who has been held up as the model of a slaveholder, is no more a representative of the slaveholders of South Carolina, than a Mas-

Massachusetts man, by the name of Knapp, is of the morals of Massachusetts. Knapp was the nephew of an aged and respectable old gentleman who had once been a member of the House of Representatives, who was eighty years of age, and in the ordinary course of nature could have lived but a few years. His nephew was so greedy to put his hands on his property that he hired an assassin to enter his chamber at midnight and murder the old man in his sleep. I quote not that as a model of Massachusetts morality, but it as fairly represents Massachusetts morality as this fellow Legree does the slaveholders of the South.

I am sorry to say—but it is necessary that I should say, that whatever opinion a northern man may entertain at home upon the subject of slavery, I have never known any qualms of conscience to disturb him when he came to the South, and succeeded to this kind of property, either by purchase, inheritance, or marriage. I have never known any man who came among us, no matter where he came from, who, if he removed into a free State, did not put the value of his slaves in his pocket, and go off with a quiet and peaceable conscience. I do not blame anybody for this. If what I have stated of the condition of these people when free be true, he would have done them an injustice by emancipating them. If he had carried them to New England or New York, the strong probability is that the penitentiary would have been their doom.

It is very easy to be humane at other people's expense. I have known two or three fellows who went from North Carolina to free States, and turned Abolitionists. I knew an exceedingly clever young man, as I supposed him to be, who removed to Mississippi, and there sold his negroes at \$1,000 round. He went to Ohio, and the next I heard of him he was figuring there in an abolition meeting, very denunciatory of the slaveholders. There was another man who went from my State, who was a Baptist preacher, who had a large number of negroes. He sold them, and carried off his money; and the next thing we heard of him was an entire mailbag full of abolition pamphlets, sent by him to his friends in South Carolina. But, sir, he had the money for his slaves in his pocket, and he never disgorged it.

There is an extraordinary case connected with this subject which it is right that I should state. It has some peculiar significance. In the year 1839, a Mr. Ball, who was a rice planter on Cooper river, at the mouth of which the city of Charleston is built, took passage with his wife, who was a New England woman, and, as I have always understood, an exceedingly clever lady. It was the misfortune of this gentleman and his wife, that the steamboat in which they took passage, the Pulaski, was lost off the coast of North Carolina; she broke in two on the high sea; and, with the exception of three or four persons, all perished who were on board, and among the rest this gentleman and his wife. He left a large estate. Who was to get it? Mr. Ball had made a will, in which he made a large provision for his wife. The question was, did she survive him? If she died first, it was a lapsed legacy; if she survived him but for a moment, the legacy was hers, and would go to her heirs.

The case of which I am speaking is known as

the case of Pell vs. Ball. Mr. Pell, who I believe lived in New York, had married a lady who was perhaps the sister of Mrs. Ball, or, at any rate, one of the heirs. He and the other heirs of Mrs. Ball filed a bill in the court of equity for the purpose of having the benefit of this legacy. The chancellor decided, on the evidence of a Miss Lamar, of Georgia, a very extraordinary young woman of unusual fortune and presence of mind, that Mrs. Ball survived, and therefore these claimants, as her heirs-at-law, were entitled to the legacy. That settled the right; and the property, consisting of over one hundred slaves, was ordered by the chancellor to be sold by the master.

Another gentleman, who was equally entitled with Mr. Pell, attended the sale; and, as I learn by some papers which I have here—for I was not there on the day of sale—among the negroes to be sold was a negro man named Frank, with his family, consisting of a wife and eight children. It is the uniform order and directing of the court of equity, that negroes shall be sold in families. This negro man had been the favorite body servant of Mr. Ball. This other gentleman held some conversation with him on the day of sale. In that conversation it was understood that he promised the negro that, if he would consent to be sold separate and apart from his wife and children, he would provide for and take care of him. The woman and the children were put up and bid for by Mr. Lowndes, a brother-in-law of Governor Aiken, of the House of Representatives. He bought them, not for himself, but for his overseer. Under the impression that this contract was to be carried out in fairness and in good spirit, the negro man Frank was put up, and bought in by the agent of this other gentleman.

Everybody supposed that this was all right and fair; but, to the utter amazement of the people, within two or three days afterwards, this man Frank was offered for sale to anybody who would buy him. There was indignation expressed about it which this gentleman could not resist. He then sold him to Mr. Lowndes, but still must have fifty dollars for his profit. He pocketed his fifty dollars and his share of the proceeds of that sale, and he returned home. Now, if any one desires to know who that man was, the letter which I send to the Secretary's desk, and ask to have read, will disclose.

Mr. CLAY. Was he a northern or a southern man?

Mr. EVANS. You will learn that when you hear the letter read.

The Secretary read, as follows:

CHARLESTON, June 10, 1856.

MY DEAR SIR: Yours of the 4th instant, inclosing Mr. Tiffany's letter, has been received. The facts of the case of Mr. Albert Sumner are substantially correct as stated in Mr. Tiffany's note. In a conversation with Mr. Tiffany, when I had the pleasure of seeing him here in February last, alluding to the fanatical and political ravings of the Abolitionists at Washington, I expressed the opinion that they were actuated by political and sectional jealousy, and not by motives of philanthropy, and I incidentally mentioned that the instances of the separation of families, so often rhetorically described, was generally by the agency of foreigners, who were devoid of that sympathy which exists between the native-born slaveholder and the slave. In illustration of my position, I stated to Mr. Tiffany that the most inhuman and revolting case of the separation of families (recently and eloquently alluded to by the Hon. Charles Sumner, "to separate husband and wife, and to sell little children at the auction-block") that had ever come under

my old friend in the course of an experience of upwards of half a century, was one in which Mr. Albert Sumner, the brother of the Hon. Charles Sumner, was chief agent.

[Applause, and laughter in the galleries.]

**MR. STUART.** Mr. President; I insist that the Chair shall preserve order. If it is necessary to clear the galleries, I hope it will be ordered for once, so that people may know what belongs to the proprieties of the Senate. If the Senate is to be turned into a theater, let us know it. I would be glad at this time if the Chair would exercise the authority which belongs to him to clear that part of the galleries from which the noise emanated.

**MR. WELLER.** That would certainly be very unfair. There could not be more than two or three persons engaged in the disturbance, and I should hate very much to see the whole gallery cleared because there happened to be two or three disorderly persons in the Senate Chamber. It is rarely you will find so large an assemblage as this that does not contain some persons who do not know how to behave themselves. If the applause had been a general thing, it would be proper to clear the galleries; but it was confined to two or three persons—not more than that—and I hope, therefore, that no notice will be taken of the matter, and that there will be no further disturbance in the Senate.

**THE PRESIDING OFFICER.** (Mr. BIGLER in the chair.) The Secretary will proceed with the reading of the letter.

The Secretary continued, as follows:

Upon Mr. Tiffany's expressing much surprise, I told him that I was present on the occasion; that if at any time he should think proper to mention the fact, he might give me as his authority. Being referred to, I will, in conformity with your request, furnish you with the details as far as my memory serves me. In the winter of 1844, Mr. Albert Sumner became entitled by marriage to a distributive share of the estate of Mr. and Mrs. S. Ball, of this State, by a decree of the court of equity in the case of Pell and Ball. At a sale of the negroes, in pursuance of the order of the court, I was present, and remarked that Mr. Sumner was very active in the management and arrangement of the sale. Among the negroes was a man servant remarkable for his fidelity to his former master, who by the officer of the court was advertised to be sold, as is customary, with his family. Our friend, Mr. Charles T. Lowndes, proceeded to the sale with the intention of purchasing the aforesaid family, (for his overseer,) but to the surprise and indignation of Mr. Lowndes and the other bystanders, it was discovered that the father had been withdrawn and sold separately from his family, by the direction of Mr. Sumner, under promise, as was understood, of great indulgence in consideration of his past services. Under these circumstances he was purchased by Mr. Sumner or his agent at a moderate rate. But in a very short time afterwards he was offered for sale by Mr. Sumner to more than one gentleman at a price much

beyond that at which Mr. Sumner had purchased him. But these gentlemen having refused to bid and about a speculation so monstrous, and Mr. Sumner having ascertained that Mr. Lowndes had purchased the family, offered the servant at a price beyond that at which he had purchased him. Mr. Lowndes finally succeeded, having the satisfaction of restoring the father to his family. It is a circumstance worthy of being mentioned that, in replying to Mr. Sumner, Mr. Lowndes, with the feelings which fill the bosom of a slaveholder who feels himself to be the protector and benefactor of his slaves, took the occasion of expressing, in a letter, (which he submitted to Colonel Ashe and myself,) his denunciation of the proceeding in terms that would have aroused a southern gentleman.

The above, as far as my memory serves me is a true and unvarnished account of the case to which Mr. Tiffany alluded. The circumstances are impressed upon my memory from the fact of my having been particularly acquainted with them at the time, having been in consultation with Mr. Lowndes, and as events which do violence to one's feelings are calculated to make an impression.

I will call upon Mr. Lowndes for a statement of the circumstances, as far as he recollects them, and I may probably delay this to go simultaneously with his.

I am, dear sir, with esteem and respect, yours truly,

WILLIAM B. PRINGLE.

HON. WILLIAM AIRN, House of Representatives.

**MR. EVANS.** On that letter I have no comment to make, and here I take my leave of the subject of slavery.

Sir, I have been at the North. I have seen much, very much, there to admire; I have seen some things that I should be glad my countrymen would avail themselves of. I doubt not, if northern gentlemen (I believe very few—none but invalids and commercial men—ever visit our country) would come among us, and see our institutions—if they were to see how practically this form of civilization operates there, very much of their prejudice would be removed.

There is nothing that I look upon with so much horror as the sectional jealousy which is fanning every day, and will shortly be fanned into a blaze, I fear, between the two sections of the country. There is nothing that I could do, consistent with duty and consistent with honor, which I would not do to prevent it. I am no prophet; I would avoid, as far as I can, to look into the dark future which these things seem to indicate. I have often had occasion to say that I am a hopeful man; that I never look upon the dark side of things if I can possibly avoid it; but it is impossible that I should conceal from myself what the poet says, that

"Coming events cast their shadows before."

\* There are several other letters to the same effect.

FROM THE

# HON. ROBERT M. T. HUNTER'S SPEECH,

DELIVERED IN THE SENATE OF THE UNITED STATES, JUNE 24, 1856.

On motion of Mr. BUTLER, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 172) to authorize the people of Kansas to form a constitution and State government, preparatory to their admission into the Union when they have the requisite population.

Mr. HUNTER said: Mr. President, it was with deep regret that I first saw the announcement of the passage of those resolutions by the Legislature of the State of Massachusetts. I was concerned to see that great State interpose for the purpose of converting what seemed to me to be a personal dispute into the magnitude of a public quarrel. In the history of the two Houses of Congress since the institution of this Government, there have been many instances of personal collisions in which members have been engaged, arising out of words spoken in debate; but so far as I am acquainted with their history, this is the first case in which any State has interposed for the purpose of taking part in such quarrels. When Mr. John Quincy Adams, of Massachusetts, was President of the United States, his Secretary of State challenged a Senator from Virginia for words spoken in debate, and the quarrel thus made was not settled until two shots had been exchanged on the ground. The Legislature of Virginia did not interpose for the purpose of demanding of the Senate to protect the privileges of its Senator, or to shield him from the consequences of his speech; but, on the contrary, it was content to leave him to meet all his personal responsibilities, under the belief that he would be able to defend himself. There have been cases in which members have fallen at the hands of each other for disputes arising out of debates; and yet I know of no instance before, in which the Legislature of any State has stepped forward to prejudice the case, and to pronounce the sentence which is to be given.

I can see no consequence so likely to flow from this attempt, in the present instance, as that of exasperating the unfortunate sectional dispute which is now raging in the country. But, sir, that was not the only thing in these resolutions which excited pain and regret in my mind. I was concerned to see that, when the State of Massachusetts sat in judgment on this case, it had nothing to say by way of rebuke to its Senator for the offensive language which he uttered, not merely towards a majority of the members of this body, or towards certain individuals who were in it, but towards all the slave States, and particularly towards the States of South Carolina and Virginia. Not only did she have no word of rebuke to offer for such a speech—a speech which called out from the venerable Senator from Michigan [Mr. CASE] the declaration that it was the most unpatriotic and un-American speech he had

ever heard on this floor—not only, I say, did she have no word of rebuke to utter for the offensive personalities of such a speech, but she actually indorsed and encouraged them, for she returned him her thanks for having made them; for in no other light can we regard her resolution “approving” of Mr. SUMNER’s manliness and courage in his earnest and fearless declaration of free principles, and his defense of human rights and free territory.

Mr. President, so long as the attacks on my State emanated from a single individual, I had nothing to say. Virginia can live under the taunts of any individual, I care not who he be; and portentous indeed would be the day, if it should ever arise, when can be said, the

“Falcon, towering in her pride of place,  
Was by a mousing owl hawk’d at, and kill’d.”

But when a State of this Confederacy comes forward to indorse the attack, and to thank the person who has uttered what I conceive to be a slander, it appears to me that I owe it as a duty to my constituents and to myself, as well as to others who may be concerned, to examine into the foundation upon which this accusation has been so unnecessarily and unprovokedly made against my State.

I pass over the personalities towards friends of mine on this floor—towards myself even, so far as I am included in that majority who voted for the Kansas-Nebraska bill, and towards the slaveholding States in the generality, to which I belong; and I come to the specific attack on the State of Virginia, which I understand the State of Massachusetts to indorse and approve. The Senator from Massachusetts, [Mr. SUMNER,] speaking of my colleague, said:

“He holds the commission of Virginia: but he does not represent that early Virginia, so dear to our hearts, which gave to us the pen of Jefferson, by which the equality of man was declared, and the sword of Washington, by which independence was secured; but he represents that other Virginia, from which Washington and Jefferson now avert their faces, where human beings are bred as cattle for the shambles, and where a dungeon rewards the pious matron who teaches little children to relieve their bondage by reading the Book of Life. It is proper that such a Senator, representing such a State, should rail against free Kansas.”

The foundation upon which this accusation rests—and it has not even the poor merit of originality with him who has last made it, is the fact that slavery; and as a consequence of it the slave trade, exists in the State of Virginia—that is to say, slaves are not only held in bondage, but, being treated as property, it follows as a consequence that they are sold from one to another. These are the facts upon which the attack is based. The coloring in which it is dressed up depends on the fancy or the taste of him who may happen

to use the brush. I say it has not even the poor merit of originality, but it is a stale and hackneyed reproach in the cant of all the abolition newspapers. It was made by a distinguished scholar and rhetorician on the other side of the water, who assailed the States of Virginia and North Carolina for what he called the domestic slave trade—a man who, though distinguished for his felicity in picture writing, too often mars its effect by the extravagance of the coloring which he uses—I mean the celebrated Macaulay. The foundation on which this rests is, that owing to the fact of the juxtaposition of these two races on our soil, slavery has flowed from it as a necessary incident. These are circumstances of long standing, and for which we are no more responsible than those who accuse us. History proves that, so far as Virginia was concerned, this institution was fastened upon her against her remonstrance by the British Government. History also shows, and the Senator from Massachusetts confesses, the complicity of his State in his speech, that the slave was sold to us in great part by the men of Old England and New England; and surely the buyer could not have been more responsible than he who sold to him.

Now, sir, out of the fact that these races have been standing together side by side in great numbers in the relation of master and slave, it has followed that the happiness of both races requires that this relation should be kept up. This has been proved by the experience of the British Government itself; and if there were no such experience, it could be proved by any one who knew how to reason upon the principles of human nature. Turn them loose to-morrow side by side, and you would see the black race perishing in the fierce competition which would ensue with the superior white race, which was dominant around. You would see either that, or you would see that as they increased in numbers, and population began to press upon the means of subsistence, the white man would leave the country and abandon some of the fairest portions of this continent to the occupation of the negro. We know that from the experiment which has already been tried. I may say that human nature and the experience of States around us both teach us that, although the slave would be nominally emancipated, he would in fact be in far worse bondage than he was held before. He would have not one, but many masters; and instead of having some one person who was responsible for his protection, who was linked to him, as all persons are who inherit slaves, by the ties of a certain sort of family connection, he would belong to every white man, and nobody would be responsible for the treatment by which he was crushed. I say this is proved, too, by the experiment which has been tried by the English Government itself in the West India Islands. We know that if a similar experiment were tried here, its effect would be to substitute barbarism for civilization, and that the wilderness and waste would begin to encroach at once upon the cultivated field.

We know, on the other hand, that under this institution of slavery we can present more than three millions of African negroes who exhibit a greater degree of progress and improvement, of happiness and virtue, than the same number of

that race who can be found under any other Government or in any other clime. I say, then, that we can point to all these things to prove, and to show, that the holding of these men in bondage is the necessary result of those circumstances which originated out of the action in part of Old England and of New England herself. Now, if we can show that the preservation of this relation inured to the benefit both of the white and the black race, and that to destroy it would effect a cruel injury to each, do we not show what justifies us in holding them in that condition? Do we not give reasons which prove that it is our duty to do so?

By what right, then, does any man reproach us for doing that which places the society of our country in the very best possible position? Sir, the statesman is not responsible for not attaining the greatest ideal good. He is responsible for not doing the best under the circumstances; and he who has done that has discharged his full duty to his race and to his principles. Are we to say, we will put down any organization, social or political, in which we find individual cases of evil and injustice?—What social system or institutions would stand?—what government on the face of the earth could endure for a minute, under such a doctrine? We know that in the great scheme of creation itself, framed by an all-powerful, all-wise, and all-good Being, evil exists. He permits it, and why, we do not understand; but he does not destroy the works of his creation on this account. We know that, in any form of society which could be organized, evil must exist; and to reproach a statesman or a people because in their institutions they may not have attained perfection, is to demand of them more than is possible for human nature. All that they can be required to do is what is best under the circumstances. He who demands more, and makes war upon all Governments in which more is not effected, is an enemy of his race, and a disturber of the peace of mankind—a man to be ranked, not with the statesmen, but with the madmen of the world.

Now, sir, I ask if both reason and experience do not prove that to retain these two races in that relation on our own soil is the very best thing which can be done for them? But, Mr. President, the mischief of the attempt to turn these slaves loose, for the not doing of which we are thus reproached both abroad and at home, would not be confined to the two races on our soil; it would extend to those very countries which hurl these reproaches at us, and to the whole civilized world. There are probably as many people outside of the slave States who derive profit and existence from the proceeds of slave labor, as are to be found within them. On the great staple of slave-grown cotton, it is now estimated that nearly, or quite, three million British subjects depend for their subsistence. I take this from the recent declaration of the Manchester Peace Society, and I have seen a similar declaration before. When we come to add the number who depend on the other slave-grown staples, not only in Great Britain but in all Europe, and in the free States of our own Confederacy, we should find, I believe, that there were more depending for their existence on the institution of slavery, and its profits, outside of our slaveholding States than within them. We

should find, probably, if we could pursue the inquiry strictly and accurately, that Massachusetts herself is more interested in the profits of slave labor, and subsists a larger number of people upon it, than do, perhaps, the States of Maryland or Missouri, or even some other slave States which I might enumerate.

Not only this; but those who thus make slavery profitable by creating the demand for the products of slave labor, are as much responsible for the institution as we are who own the slaves. The deadliest blow that could be dealt to slavery would be to refuse to receive the products of slave labor. Do that, and you destroy the demand which makes it profitable. Do that, and, so far as Old England or New England are concerned, you would do it at only a pecuniary expense; but it would cost us not merely money, but our social and political happiness. They could do that at a mere pecuniary expense; but will they do it, or have they done it? Why, sir, it is a little remarkable that, in this very phillippic which Macaulay uttered against the institution of slavery in Virginia and North Carolina, he was engaged in the work, in which he succeeded, of repealing the discrimination against slave-grown sugar, which had been made for the benefit of their own colonies, upon whom they had forced emancipation. He not only made it to force the repeal of that discriminating duty, but he succeeded; and England did repeal it, notwithstanding the obligations which she owed to her colonies, on whom she had forced this harsh measure, to give them, at least, that advantage in her own markets.

If we examine the history of the institution, we find, as I have just endeavored to show, from its commencement to the present period, that those who now reproach us are as responsible as we. In the first instance, they sold the slave and we bought him. Now, we sell the products of his labor and they buy it. The complicity is the same; the process is reversed. It has been said, sir, and well said, that the judgment of him was to be commended,

"Who sent the thief that stole the gold away,  
And punished him who put it in his way."

Upon that principle, I submit that, if there be guilt and if there be wrong in maintaining this relation, they are as responsible for it as we are. But in point of fact there is no guilt either in the one or in the other. The wrong is in converting that into a matter of reproach against us which is not properly the subject of reproach, and for which, if it were, they are as much responsible as we are.

Mr. President, it is said that slaves are sold as chattels and as property from one to another in the States in which the institution is tolerated. I now that this presents a splendid field for declamation; and if I had not known it before, I should have known it after following Macaulay in his display upon this subject. I know that individual cases may be selected, some of which are real, and some of which are imaginary, in which hardships and misery may be shown; but notwithstanding all that, I say the practice of selling them from one to another, and the slave trade itself, is the very safety-valve of the institution, so far as both races are concerned, in the South. It is owing to this that the slaves have been able to

make the progress which they have done. It is through this process that they acquire the means and facilities for emigration which are necessary for the improvement of every race that has ever made any improvement in the history of man. The stronger races satisfy this necessity of their condition by armed emigration; the weaker are made to do it by forced emigration; and history shows that the African has performed his share of that process, from an age beyond the date of the pyramids, in the caravan of the slavetrader. Some of the very routes which he then traveled are pursued by him now for the same purposes and objects as if they had been traced out for him by some inexorable law of nature.

We know from experience that in the southern States it is this which has mitigated the institution and ameliorated his condition; because it is under this, that, when population begins to press on the means of subsistence, he is removed from a place where his labor pays but little to one in which it pays more; not only to the master but himself. Although it may seem to be hard that he should be thus forced to emigrate at the will of another instead of his own, yet, when we come to scrutinize closely the process, we find that the line of emigration which he pursues according to the laws of trade, is precisely that line which he would take if he were to follow only his own interests. Should we not find, if we were to examine it, in the history of the emigration of whites, as many individual instances of misery and suffering, as many cases of separation between members of the same family, as we do amongst the slaves who are thus sold from one State to another? I believe that, if we could trace the matter, we should find that the emigration from the Sutherland property, in Scotland, (Mr. Macaulay's own country,) was as involuntary in its movement and as sad in its consequences to those who made it, as any that ever took place from Virginia or North Carolina to the cotton States south of them. In the crowded population of the Old World, I believe we could find instances of emigration forced by circumstances which would harrow the heart fully as deeply as any that could be referred to in our States.

Why, Mr. President, under the operation of this trade, the effect has been that the moment the negro's labor becomes cheap in one region, and he gets a smaller share of the profits of his labor, he is transferred to another where the profits of his labor are greater, and where, of course, he gets a larger share, and where, in the end, he receives more consideration. Stop that trade to-morrow, and I believe you would inflict the greatest curse on the slave in the South that could be inflicted upon him. Pen him up in the old States, and the consequence must be, either that he must perish under the sufferings of a collision with the stronger race, when population presses too hard upon the means of subsistence, or else the whites will abandon the country, and leave it to the negro and his original barbarism.

Under these circumstances, if this process be one of relief and amelioration to the slave, I ask how is it that it should be the subject of so much reproach to those who permit it, and who find it necessary for the improvement of this very race that they should do so? If in truth it did deserve the reproaches which have been cast upon it,

if in truth Virginia did acceptations deter. a tho which have been thus made, I ask if it lies in the mouth of Old England, and New England, to utter them? I ask if it was out of their quivers that she had a right to expect such an arrow to be directed at her? Have I not shown that they were as responsible as we for the circumstances which make this institution necessary; that if we were the buyers they were the sellers; and that if we sell the product of slave labor they buy it, and contribute their full share to the maintenance of the institution? If they would destroy all trade from which there may be possible evil, why do they continue this, upon which the institution of their attacks depends for its existence?

Sir, in regard to Massachusetts, she was not only glad to receive our assistance in the Revolution, when we both held and sold slaves, but she was willing to admit us into the same family with herself. The men of that day—the men of the revolutionary generation who covered the name of Massachusetts with glory, the generation which produced the heroes of Concord, and Lexington, and Bunker Hill, and gave birth to the sages that illustrated the revolutionary councils, was not only willing but glad to receive Virginia into a family alliance. They were willing to enter into an association by which they bound themselves to put down insurrection in the States—by which they bound themselves to give a certain representation for the slaves—by which they bound themselves to restore the fugitive slave. And here it is to be remembered, that the covenants which they entered into the men of that day always kept. Under these circumstances, after they invited us into that family alliance, I ask if it is fair, if it is rightful, if it is honorable in their descendants to use the common Hall provided for our common deliberations for the purpose of abusing and vituperating us on account of that very state of things of which they had knowledge and cognizance when they entered into this union with us? I ask if they are not estopped by their own deed?

Now, Mr. President, we hear a new doctrine. We are told that the men of the present day are not to be held responsible for the men of that generation, which is branded by one of their descendants with turpitude. It is the Senator from Massachusetts who says, "Is the acknowledged turpitude of a departed generation to become an example for us?" Thus they are not content with hurling accusations against us, but they brand with turpitude the memory of their ancestors who entered into those bonds by which they became members of the great family of States, to which Virginia, too, belongs. Sir, if I am to choose between the generation which gave birth to the heroes and sages of whom I have spoken, and the men who now cast shame on their graves, I say, let me rather commune with the memories of those than walk in the living presence of these. If I am to choose between those heroes and sages, as I said before, who entered into a covenant to restore the fugitive slave, and who kept it, and these latter-day saints, who, whilst they claim all the benefits of the bond for themselves, refuse to execute their part of the compact, because they have discovered some law of higher obligation, which dispenses with the obligation of their oaths to support the Constitution, and discharge its duties, I say, let me

associate with the men who made that covenant, and kept it, in preference to those who are breaking it. If I am to choose between the generation of men who, under the guarantee of treaties, under the sanction of laws, transferred the African from a worse to a better condition, and those who, in violation of law and of the Constitution, steal away the southern slave, and transfer him from a better to a worse condition, let me live with the first rather than with the last. If we have enjoyed the respect and affection of that generation which covered the name of Massachusetts with glory, we may live under the taunts of those who strike at the very memories of their fathers, because it is only through them that they may aim a blow at us.

Turpitude, sir! to talk of the turpitude of the generation of men who gave to Massachusetts the fair inheritance of glory which some of their descendants are now wasting so rapidly! When I hear such charges, I pause before the majesty of the silent shadows of those mighty dead, and wonder that a voice is not given to them to speak to those of their descendants who are thus violating their engagements, trampling on their ancient friendships, and casting shame on their names and graves. But, sir, why do I wonder? If such a voice could be evoked from the tombs, and were it to charm ever so wisely, it would fall unheeded on the ear of the fanatical Abolitionist. He will not hear Moses and the Prophets; nor would he hear their voices, even if they could be permitted to speak to him.

But these are not the only charges. We are told of the dungeon to which the pious matron is consigned in Virginia who teaches the slave to read. Sir, I have seen in the State of Virginia thousands of slaves who could read and write; and if there ever was any matron, pious or otherwise, who was imprisoned for teaching them, I have yet to hear the history of the case. I have never known such a case; I do not believe that one exists. I think I have been told; that in one of the States of this Union there is a law making it penal to keep Christmas; but does any man suppose such a law has ever been enforced within the last quarter of a century? Suppose it were so; suppose some such enactments as these charged upon Virginia were to be found upon our statute-book, who are responsible for them? Are not those responsible who say to us, "Educate your slave at your peril; give him light and intelligence if you dare; and, if you do, we will make these gifts the means of applying the knife to your throats, and the torch to your dwellings?" Are not these the persons who would be responsible, and not we, if such things were to be found on the statute-book? I will say, however, not to them, not to those who have nothing to do with it, but to my countrymen in the South, that I believe it is our duty to remove whatever may cumber unprofitably the statute-book, whatever is improper or unjust. I believe that the progress of light and intelligence in both races is not incompatible with the institution of southern slavery. I believe that we are responsible for the happiness of all who are committed to our charge, whether they be white or black; and I say, let us do right in despite of the Abolitionist, however he may throw himself in the path of the improvement of the slave. We are strong enough within the

Union, or without the Union, to defend ourselves; and with the blessing of Providence let us do right, and leave the consequences to God. To him who intrudes his opinion upon us—to him who has no right to make an inquiry as to our domestic affairs, I have only to say, "There is the southern slave; he speaks for the institution of slavery in our sections produce to us the same number of African negroes in bondage or otherwise, and in any other country, who have made the same progress in improvement, and then we may acknowledge your right to reproach us; but, until you do that, we are entitled rather to the voice of approbation."

Mr. HUNTER then proceeds to defend Virginia from the aspersions cast upon her by the Senator from Massachusetts, and remarks upon that part of the Massachusetts resolutions—

"in which she undertakes to sit in judgment on a case here pending, and not merely to request her Representatives, and to instruct her Senators, as other States do, but to "demand" of us that we should carry out her fiat and execute her judgment."

He, also, considers, at length, the question whether the assault of Mr. Brooks upon Mr. SUMNER was a breach of privilege of the Senate, and says, that, though in the outset inclined to think it such, upon mature consideration, he does not "believe that, so far as we are concerned, it was a breach of privilege." In support of this opinion, he cites numerous precedents of American decisions sustaining his views, and continues:

"I say, then, sir, that, so far from being governed by law in the course which we have taken, I respectfully suggest that we have departed from the true view of the power which the Constitution has given us; that we have acted upon the false light of precedents, whose principles do not apply to our case; and that we have made a mistake in the course which we have pursued. At any rate, I will say that surely we have no right to invoke the exercise of an arbitrary jurisdiction of any extreme discretionary power which may be lodged in the other House. We know that the free States of this Confederacy constitute a majority of it. Suppose they were all of them to act in the spirit of these Massachusetts resolutions; suppose they were to encourage their Senators to insult the members from the slave States; suppose they were to say: "If this is resented, you must expel him if you can find two thirds to do it; and if you cannot, you must annoy him by the power of your majority until you make his seat intolerable to him."—I ask, under such circumstances, how long would it be before there would be a dissolution of such an assembly? I ask, what southern man would be willing to sit here if he was thus to be governed by such a power, exercised in such a manner?"

Mr. President, I know it may be said, on the other side, is there not danger that freedom of speech will be abridged, if men undertake to resent or punish its excesses? I admit that evils may occur on that side, but not so great on that horn of the dilemma as on this; because it is always to be remembered that, in the other alternative, the

courts of law are open, where you may sue by private action for damages, where you may indict for assault, and where the court has power and jurisdiction to punish for the offense, in either person or property; so that there is a full remedy, and an impartial tribunal for any such injury. Besides that, we must further remember that one man is about as able to defend himself as another is to assail him, and that in such contests there are two to be engaged, so the probability is that, in the end, no very great mischief can ensue. At any rate, if scenes did occur which were to be deplored, if events did take place which were to be condemned, still we know there is not near so much danger on that side as there would be in employing the arbitrary and discretionary power of the House, vested in it only for extreme occasions, in cases where the judgment might be attributed not so much to the sense of right as to sectional feeling, or to party bias. I think that, under such circumstances as these, it is always best to transfer such feuds from the Houses of Congress to the courts of law—from a tribunal which must of course be, to some extent, prejudiced and partial, to one which is unprejudiced and impartial.

I give this counsel for the sake of peace. I advise such a measure, as one who seems to me to afford a solution by which we may escape from some of those difficulties that seem to threaten us with so much exasperation and strife. I believe that the merits of the whole case may thus be reached, and thus, too, we may save ourselves from the agitation which, rely upon it, is doing great mischief here and abroad. I think the Senate ought to reverse its position. Indeed, it would be but acting under the precedent in the case of Gunn, (a Senator who challenged a member of the House of Representatives,) if we were to withdraw our application after the apology of the member from South Carolina. In that case the proceedings were dropped the moment the Senator declared his contrition for what had happened. I believe that if this were done here, and the case were left to the courts, we should save both Houses from a scene of strife and exasperation which every patriot and every lover of his country must deplore.

Suppose that two foreign nations were mutually to instruct their representatives to insult and abuse each other: how long would peace be maintained? Suppose that the members of the same family were to use their opportunities of daily intercourse for the purpose of mutual vituperation: how long would harmony exist? Suppose that States which belonged to the same Union should use the common hall of their deliberations for the purpose of mutual crimination and recrimination: how long would that Union be maintained? Sir, "in the letter which killeth" it might endure for a while, but in "the spirit which giveth life" it would soon be gone and lost forever.

Now, sir, I ask if these are not considerations which should be impressed upon all? Our institutions rest not upon parchment securities, but upon the broad basis of public affection. Who shall measure the crime of him that disturbs the waters of the stream of public opinion which to us are the very waters of life—of him who troubles the stream at its fountain that he may defile it through the whole length of its course, until we

turn loathing away from its waters, although our death may be almost unto death itself? Sir, the laws and the Constitution and the ordinances of our country, to have efficient force and life and being, must be engraved upon the hearts of the people. Once erased or obliterated that inscription, and it will not be long before the lawgiver himself, in some fit of exasperation, will shiver into fragments the tablets upon which they are written, as mere unspeaking stone.

In view of all these circumstances, does it not behoove us to do something to appease this strife, to settle these difficulties, to allay this bitterness? Who could have the heart, at such a moment as this, to engage in the work of ermination and discrimination amongst the States of the Confederacy? We all belong to the same family, and the character of the whole family is disparaged if we injure the reputation of one of its members. What pleasure or what profit should I derive by injuring the reputation of Massachusetts? by diminishing the luster of her revolutionary glory? by taking away from that chaplet of immortal flowers with which she is crowned? Sir, so far as I am concerned, instead of taking one stone from the Bunker Hill monument, I would add another to it. Let it tower to the skies, bearing upwards from earth to heaven whatever message of love and admiration may be transmitted from the living to the dead. Let it stand through the flight of ages, and carry down the story of those men and their deeds to the last syllable of recorded time. I will raise no sacrilegious hand against a single stone on that altar; and if there be any who has a heart for such a deed, he can find no sympathy from me.

Who can have the disposition to disparage the reputation and the military glory of any of the Old Thirteen? If there be any man who can have a heart for such a work, he can have but little feeling in common with me. I will not aid in such a work. What materials are these that we are collecting for history? What weapons are we placing in the hands of those who wish us, and

who delight in every opportunity to disparage ourselves and our institutions?

Mr. President, it has been said by wise and good men, "give us peace abroad." I sympathize with them in that wish; but it may not always be in our power to secure that peace. It may require the will of another as well as of ourselves; but I say, give us what we can secure if we choose—give us peace at home. We want its opportunities to work out our destiny; and to crown with the glory of success the most wonderful experiment in human happiness that has ever been attempted in the history of man. We must have peace at home if we would wish to inspire either fear or respect abroad. Is there nothing in the condition of things around us—is there nothing in the condition of things abroad, to induce us to do something to compose these differences, to allay this excitement, to settle these feuds? Can any man reconcile it to his conscience to feed high the hot fires of sectional strife on such an occasion as this? Are the doors of our Chamber, are the doors of the Congress of the United States, like those of the temple of Janus, to be opened only for war, for civil war, for domestic strife? or may we not rather close them upon such scenes; or else open them to send forth once more the message of peace and good will, and to proclaim throughout the land a vow to devote ourselves to the common good of a common country, and to bury, as far as we can, the recollection of these unhappy disputes?

Mr. President, I do believe that the time has arrived when we should look at the state of circumstances around us, coolly and dispassionately, and when every man should come to the settlement of these differences with the will to sacrifice much of feeling; anything of the pride of opinion; everything that he can, consistently with duty and conscience, to settle and quiet them. Senators, I say to you that you hold in your hands the issues of life and death to this mighty Republic, to this great Union. On your souls, I charge you to take heed how you deal with them.